



Indonesia

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Indonesia is a republic. The country has a presidential system with three branches of government. The President is the Head of State and serves a 5-year term for a maximum of two terms. In July 2001, Vice President Megawati Soekarnoputri succeeded President Abdurrahman Wahid after he was impeached. The Cabinet consists of 30 Ministers. The People's Consultative Assembly (MPR) is the supreme legislative body and has the power to amend the Constitution. The MPR includes the entire 500 member House of Representatives (DPR), which enacted legislation and appointed regional members. The Government continued to make progress in its transition to a more pluralistic and representative democracy during the year. Since 1999 the MPR has adopted four major constitutional amendments. The Third Amendment was passed in 2001, and the Fourth Amendment, which was passed during the year, provide for direct election of the President and Vice President; create a new legislative body to be made up of regional representatives; and abolish all appointed seats in the legislature, including those for the military (TNI) and the police, known together as the security forces. Some implementing legislation pertaining to these two amendments still was pending at year's end. The amendments established the executive as a separate branch of the Government answerable to the country's citizens rather than to the MPR. During the year, a major decentralization program continued to empower district governments. The Constitution provides for an independent judiciary; however, in practice the courts remained subordinate to the executive.

The TNI is responsible for external defense and the police are responsible for internal security. However, in practice, the division of responsibilities continued to be unclear, with the military playing an overlapping role in internal security matters, particularly in conflict areas such as Aceh, the Moluccas, Central Sulawesi, and Papua (formerly known as Irian Jaya). A civilian defense minister supervises the military, but in practice only exercises limited control over military policy and operations. The TNI continued to wield significant political influence and occupied 38 appointed seats in the DPR. Police and soldiers occasionally clashed, sometimes resulting in the deaths of security force members as well as civilians. Members of the security forces, particularly the Army's Special Forces (Kopassus) and the Police Mobile Brigade (Brimob), committed many serious human rights violations, including extrajudicial killings, torture, rape, and arbitrary detention.

During the year, the economy, which increasingly was market-driven, grew from 3 percent to 3.5 percent; the Government stabilized the country's currency, the rupiah, and reduced annual inflation to 10 percent. A more stable currency encouraged trade, while lower inflation boosted consumption. Government statistics, however, reported 8 million persons unemployed and another 30 million persons under-employed out of a total population of approximately 230 million persons. Per capita gross domestic product (GDP) was \$688 in 2001. Large disparities in the distribution of wealth and political power contributed to social tensions and continued to create demands for greater regional autonomy.

The government's human rights record remained poor, and it continued to commit serious abuses. Soldiers and police murdered, tortured, raped, beat, and arbitrarily detained both civilians and members of separatist movements. These abuses were most apparent in Aceh Province, on the northwest tip of Sumatra, where members of an ongoing separatist movement killed at least 898 persons, both combatants and non-combatants, during the year. Human rights violations in Aceh were frequent and severe during the year. On December 9, in Geneva, the Government and the separatist Free Aceh Movement (GAM) signed a Framework Agreement on Cessation of Hostilities. Security force members also committed severe abuses in other conflict zones such as Papua, the Moluccas, and Central Sulawesi, but at reduced levels compared with the previous year. In Papua members of the TNI and the Brimob committed assaults, rapes, and supported militias, which raised fears of interreligious conflict. During the year, the Government detained and named as suspects seven soldiers for the killing of Papuan pro-independence leader Theys Hiyo Eluay. The Government also arrested seven men, including GAM member Tengku Don, in connection with the killings of prominent Acehnese.

Retired and active duty military officers who were known to have committed serious human rights violations occupied or were promoted to senior positions in both the Government and the TNI. By year's end, the East Timor Ad Hoc Tribunal on Human Rights had found only one member of the security forces—Army Lt. Col. Soedjarwo—guilty of crimes against humanity. Soedjarwo was convicted and sentenced to 5 years in prison for failing to prevent attacks by anti-independence militiamen against the Dili residence and office of Archbishop Carlos Belo in September 1999, which killed at least 13 civilians (see Section 1.e.). During the year, the tribunal completed 14 out of 18 trials and convicted only 3 defendants—Soedjarwo, former East Timor Governor Abilio Soares, who was sentenced to 3 years in prison, and fellow ethnic East Timorese Eurico Guterres, former

leader of the Aitarak militia, who was sentenced to 10 years in prison. All three remained free pending appeals at year's end. The tribunal's performance reinforced the impression that impunity would continue for soldiers and police who committed human rights abuses.

Terrorists, civilians, and armed groups also committed serious human rights abuses. On October 12, two bombs exploded in the Bali tourist enclave of Kuta, killing 186 and injuring 328 persons. The government subsequently issued a regulation that expanded the government's power to detain and prosecute suspected terrorists. A government investigation resulted in the arrest of 15 suspects in the Bali attack. On August 31, in Papua, unidentified gunmen killed 3 persons, including 2 foreigners, and injured 12 others when they ambushed a civilian convoy near the Freeport mine. In resource rich Aceh, Gam rebels killed, tortured, raped, beat, and illegally detained civilians and members of the security forces.

The eastern part of the country experienced widespread abuses, particularly in the Moluccas and in central Sulawesi, where ongoing conflicts between Muslims and Christians resulted in violence, segregation, and displacement. The number of serious abuses there, however, declined sharply from the previous year. During the year, conflicts in the provinces of Maluku and North Maluku killed an estimated 75 persons and prevented at least 300,000 displaced persons from returning home. In central Sulawesi, violence resulted in the deaths of dozens of persons and kept approximately 70,000 displaced persons from returning home. In Kalimantan occasional killings occurred during clashes between indigenous Dayaks and ethnic Madurese migrants, although the overall level of violence fell sharply from the previous year.

Despite the reduced death toll in most conflict zones, the Government largely failed to deter social, interethnic, and interreligious violence. Mob vigilante action and religious groups purporting to uphold public morality continued to dispense "street justice." Meanwhile, extremist groups increasingly limited freedom of expression by intimidating or attacking news organizations whose content they found objectionable. The DPR passed a restrictive Broadcasting Bill, which alarmed journalists and activists who called it a major threat to press freedom. During the year, the Government strengthened its legal framework to protect children by passing the Child Protection Act and other related forms of legislation; however, child labor and sexual abuse remained major problems, and implementation of the law remained weak. The Government continued to allow new trade unions to form and to operate, but it frequently failed to enforce labor standards or address violations of worker rights. Trafficking, particularly for prostitution, remained a significant problem. Indonesia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

Arbitrary or Unlawful Deprivation of Life

The security forces continued to employ harsh measures against rebels and civilians in separatist zones where most politically motivated extrajudicial killings occurred. The security forces also committed numerous extrajudicial killings that were not politically motivated. The Government largely failed to hold soldiers and police accountable for such killings and other serious human rights abuses.

In Aceh, where separatist GAM rebels remained active, military and police personnel committed many extrajudicial killings and used excessive force against non-combatants as well as combatants; at least 898 persons were killed during the year. This figure included civilians, rebels, and security force members, with civilians accounting for most of the fatalities. However, security forces and rebels gave conflicting information on victims' identities, making it difficult to determine the breakdown of civilian, rebel, and security force deaths. Many of the killings appeared to be executions. The Government and the GAM accused each other of killing captured combatants, and there was evidence to support such claims. Press reports undercounted the number of casualties, and some deaths never appeared in the newspapers. Police rarely investigated extrajudicial killings and almost never publicized such investigations.

On June 7, on Kayee Ciret Mountain in Aceh, TNI soldiers shot and killed two farmers and wounded five others in a raid on a hut in an area suspected as a hideout for GAM rebels. The attack occurred at dawn, while the farmers slept. On August 3, in the north Aceh village of Kandang, six gunmen stormed into a number of houses and shot and killed three local women. The GAM accused the Brimob of carrying out the attack because relatives of the victims had links to the GAM. The security forces rejected this allegation, but the NGO Central Information for Aceh Referendum (SIRA) reported that a group of Brimob visited the village on the night in question. Village witnesses identified the gunmen as police and recognized the group's leader, Syarifuddin, a sergeant feared for his alleged brutality. On December 1, in Banda Aceh, a group of unidentified men kidnaped a 26-year-old human rights activist of the Coalition for West Aceh Students Movement (Kagempar). Three days later, villagers found his mutilated body face-down in the water underneath a bridge. Reliable sources said the young man's skull had been penetrated repeatedly with a screwdriver.

Police in Aceh did not announce the results of any investigations into extrajudicial killings carried out by the security forces in previous years. In addition, the Government released soldiers suspected of involvement in the December 2000 slaying of three

NGO workers in North Aceh because the suspects already had served the maximum period of detention before trial. During the year, credible sources in North Aceh spotted civilian suspects in the same case who had disappeared from police custody in 2001.

Numerous killings that occurred in Aceh during the year could not be clearly attributed to either the security forces or the GAM rebels. For instance, on March 16, unidentified assailants shot and killed six persons in the town of Lombaro Angan, Aceh Besar district, after 30 police were ambushed while searching for GAM rebels. Local residents said the victims all were politically inactive farmers who were killed while working in a rice field. GAM spokesman Ayah Sofyan later indicated that one of the six persons killed was a GAM member. On September 4, in the village of Gumpueng Tiro, Pidie regency, unidentified persons stopped a public minivan, abducted two high school girls, took them to a nearby forest, and fatally shot them. According to the local press, unidentified gunmen also shot and killed 14 teachers during the year; it was unclear who was responsible for killing schoolteachers in the province.

Investigation continued into the August 2001 massacre of 31 persons at a palm oil plantation run by PT Bumi Flora in Idi Rayeuk, East Aceh. The National Commission on Human Rights (KOMNASHAM) formed an investigation team (KPP HAM), whose members visited the site in July. The team examined evidence, spoke with local residents and met with officials. However, the team did not announce the results of the investigation. Human Rights Watch (HRW) released a report containing the text of interviews with witnesses to the slaughter and noted that "all of the witnesses believed that the Indonesian Army was responsible for the killings."

During the year, GAM members killed many police, soldiers, civil servants, politicians, and other Aceh residents. Although many Acehnese feared and resented the security forces because of their involvement in human rights abuses, local support for the GAM declined during the year, according to neutral Aceh-based observers. The GAM alienated large segments of Acehnese society through a campaign of extortion and kidnapping for profit. On January 31, in Lhokseumawe, suspected GAM members shot and killed Dr. Murdan, as he headed to work at a hospital in the community of Cut Meutia. The killing had a ripple effect, as it discouraged paramedics from providing services to that area. On March 6, at a coffee plantation in the central Aceh town of Linge, GAM rebels apprehended, questioned, and killed Sarifuji, an ethnic Javanese. The GAM subsequently claimed responsibility. The GAM acknowledged that on April 9, its forces shot and killed two soldiers as they traveled by motorbike near the north Aceh town of Kuala Meuraksa. The soldiers' two rifles were captured in the raid, which the GAM acknowledged carrying out. During the year, police made progress in investigating some killings allegedly committed by the GAM. However, the overall amount of progress disappointed NGOs and legal experts. GAM leaders accused the security forces of executing captured rebels, without benefit of a trial. On June 26, Aceh's police chief announced the arrest of seven men, including GAM rebel Tengku Don, in connection with the killings of prominent Acehnese. The police accused Tengku Don of involvement in the September 6, 2001 killing of Dayan Dawood, rector of Banda Aceh's Syiah Kuala University, who was shot after offering to mediate between the GAM and the Government. Tengku Don allegedly possessed one of the pistols used in the killing, and there were indications that the attack was criminally motivated. In August a court convicted five GAM separatists of carrying out an arson attack in Takengon, Central Aceh. The lead conspirator received a 16-year term, while the others, who did not take part in setting the blaze, were sentenced to 10 months in jail. Police did not publicize any other investigations into killings allegedly committed by the rebels in Aceh.

The Government did not announce the results of its investigation into the 2001 killings of Aceh provincial legislator Zaini Sulaiman and prominent politician Teungku Johan. The Government also did not announce any results from its alleged investigations into the deaths of Sukardi, Sulaiman Ahmad, Jafar Siddiq Hamzah, Tengku Safwan Idris, or NGO activist Nashiruddin Daud, all killed in 2000.

In Papua, where separatist sentiment remained strong and a low-intensity conflict continued between the TNI and armed rebels of the Free Papua Movement (OPM), there were no verified cases of politically motivated killings by the security forces during the year; however, many such killings were alleged. There also were deaths that many indigenous Papuans found suspicious. On January 22, in Bonggo, Papua, Kopassus troops shot and killed Leisina Yaneiba, a clerk at a logging company. She had intervened in an altercation between Kopassus guards and a former employee, Martinus Maware, whom the TNI alleged was an OPM rebel (see Section 1.b.). On June 21, in the Papuan city of Wamena, Dani tribal chief Yafet Yelemaken died following a trip to Bali, where he had met a police acquaintance; friends concluded that the policeman poisoned Yelemaken during a visit to his hotel room. Despite widespread media coverage, no physical or factual evidence supported this theory. In August on the Papuan island of Biak, NGOs, religious groups, and Adat (traditional) councils accused the military of killing at least three Papuans. Hospital records indicated, however, that two of the persons in question drowned at sea and the third died in a road accident. On August 31, unidentified assailants killed three persons, including two foreigners, and wounded 12 others in an attack close to a large gold and copper mine near Timika, in Papua. The victims were teachers on a recreational outing. Several people dressed in military fatigues reportedly stopped the teachers' convoy in a heavy fog on the Tembagapura-Timika road and fired at the vehicles at close range. The Government quickly alleged that OPM had carried out the attack; the group denied responsibility. During the course of the initial police investigation, senior police officials were quoted in the press about indications that soldiers were involved in the attack. The initial police probe and subsequent military follow-up investigations were followed at year's end by a joint police-military investigation. In addition, the Government agreed to incorporate assistance from the United States Federal Bureau of Investigation.

On June 9, police arrested highland leader Benny Wenda in connection with a December 2000 attack in the northeastern Papuan community of Abepura, which resulted in the deaths of two police officers and one security guard. On October 26, Wenda escaped from prison and was on the run at year's end.

The Government made progress in its investigation into the November 2001 killing of Papuan pro-independence leader Theys Hiyo Eluay, who was found dead in his car outside the provincial capital, Jayapura. Based on a February 5 presidential decree, the Government set up a National Investigation Committee (KPN) made up of Government and civil society members to probe the killing. The team traveled to Papua on February 25, and on March 19, the military announced that soldiers had been declared suspects in the case. The KPN delivered its findings to President Megawati on April 29, classifying the killing as an ordinary crime, not a gross human rights violation. The two Papuan KPN members and other Papuan groups rejected this finding, and urged KOMNASHAM to investigate it as a state crime. The Government initially detained nine Kopassus members in connection with the killing and investigated three additional suspects. At year's end, seven soldiers remained suspects, but none of them had been tried.

Other government investigations in Papua made little progress. Police made no perceptible headway in their probe of the 2001 disappearances and suspected killings of Willem Onde, leader of the Papua Liberation Front Army (TPNP), and his friend, Johannes Tumeng. Bodies believed to be theirs and bearing evidence of gunshot wounds were found floating in the Kumundu River with their hands bound. The Government did not report any progress in its investigation into the alleged police killings in 2001 of 12 civilians in the northwest Papua city of Wasior. NGOs claimed the Brimob carried out the killings in revenge of a June 2001 attack on a police post that left 5 police officers dead. Unknown persons returned three of the six weapons seized during that attack following negotiations between police and community leaders. Negotiations for the return of the remaining weapons continued at year's end. In a related case, the Government announced no progress in its probe into the earlier alleged police killings of six Papuan civilians in Waisor in May 2001. The six were apparently returning home from a celebration when they were killed.

In the western Java Province of Banten, on March 23, seven members of the Presidential Guard reportedly kidnapped and then killed Endang Hidayat, village chief of Binuangun, in Lebak regency. Evidence suggested that the guardsmen killed Endang because he had informed police that one of the guards had purchased stolen motorcycles.

Occasional clashes between the police and military resulted in civilian deaths as well as fatalities among the security forces. Chronically underfunded soldiers and police clashed periodically over control of criminal enterprises, including drugs, gambling, illegal logging, and prostitution. In September in the north Sumatran town of Binjai, an armed confrontation between soldiers and police left seven police, one soldier and three civilians dead, and at least four civilians injured. The dispute reportedly began when police arrested a soldier for selling the drug ecstasy. On October 2, Army Chief of Staff Ryamizard Ryacudu dishonorably discharged 20 soldiers who were involved in the dispute. On December 18, a military tribunal sentenced 9 of those soldiers to between 5 months and 30 months in prison.

Police and soldiers clashed 23 times during the year, a decrease of at least 35 percent from the same period a year earlier. During the year in Entiekong, West Kalimantan, a shootout between police and soldiers caused an unknown number of casualties. The clash reportedly occurred when police tried to close a TNI protected gambling operation. On August 12, in the West Java village of Cicurug, Bogor Regency, a brawl between police and soldiers left one policeman dead and three injured. The clash reportedly occurred after police tried to rescue an alleged pickpocket who was being beaten by troops.

Police frequently used deadly force to apprehend suspects. On September 25 in Makassar, South Sulawesi, police were criticized for fatally shooting Iwan, a suspected gang member, who was in their custody. Police claimed they shot him when he tried to escape; however, an autopsy showed he was shot five times at close range. The Legal Aid Society (LBH) condemned the killing. Reliable statistics on the use of deadly force by police were not available. Senior police officials said they punished officers who used excessive force, but such punishments were not made public. On December 31, the Jakarta police chief said his office fired or suspended 107 officers during the year for misconduct, but he did not identify the types of misconduct. The police did not announce the results of any probe of excessive force from previous years.

The Government followed up on widespread killings in East Timor in 1999 by holding trials under the East Timor Ad Hoc Tribunal on Human Rights; however, the Government failed to prosecute the cases effectively (see Section 1.e.).

Of the six former East Timorese militia members who were convicted of killing three UNHCR workers in December 2001 in Atambua, West Timor, two were freed on their own recognizance, according to a reliable source who spotted them during the year. The law allows for appeals of Supreme Court decisions, but the six had not filed an appeal by year's end.

On March 7, the Central Jakarta Criminal Court sentenced former East Timor militiaman Jacobus Bere to 6 years in prison for the 2000 killing of New Zealand U.N. peacekeeper Leonard Manning. Prosecutors had sought a 12-year term. The presiding judge offered no explanation for the light sentence, and the prosecution vowed to appeal but had not done so by year's end. On March 20, the court acquitted three of Bere's accomplices.

During the year, there was no progress in the high profile Semanggi and Trisakti cases. In May 1998, four students at Jakarta's Trisakti University were shot dead, and a number of police officers were implicated. Six months later, also in Jakarta, at least nine demonstrators were shot dead at the Semanggi interchange. In 2002 efforts by KOMNASHAM to move the cases forward met with tremendous resistance from the military, police, Attorney General's office, and DPR. The security forces and many lawmakers maintained that the incidents were criminal and did not constitute major human rights abuses. The Attorney

General's office twice returned case dossiers to KOMNASHAM, stating they were incomplete.

In the eastern Provinces of Maluku, North Maluku, and Central Sulawesi, ongoing communal conflicts between Christians and Muslims continued, but at a much lower level than in previous years. Nevertheless, civilians and sectarian civilian militias committed scores of extrajudicial killings. The reduced death toll in those areas resulted mainly from the heavy deployment of security forces and, to a lesser extent, from government-brokered peace agreements between the two sides.

In January 1999, intense sectarian fighting erupted in Maluku and North Maluku, where the population was roughly evenly divided between Christians and Muslims. The fighting followed years of simmering political, economic and territorial tension, and, according to some observers, recent provocation by outsiders. The catalyst most often cited was a dispute between a Christian bus driver and a Muslim passenger. The dispute degenerated into a street brawl and 2 months of rioting, leaving hundreds of persons dead in the Maluku capital, Ambon. The city fragmented into a number of guarded religious enclaves patrolled by militias. The military inserted an elite force, but by 2000 and 2001, virtually no Moluccan island had been spared from the interreligious conflict. In May 2000, thousands of members of the Java-based Islamic extremist group Laskar Jihad (LJ) arrived in the Moluccas to fight alongside fellow Muslims, escalating the violence to a new level. Scholars said LJ polarized many citizens along religious lines and reversed a conflict in which the Christians previously had had the upper hand. By the end of 2001, interreligious fighting in the Moluccas had killed thousands of persons and displaced hundreds of thousands.

On February 11 and 12, the Moluccan Christian and Muslim communities reached an agreement to work for peace. A major insertion of security forces bolstered the government-brokered accord, known as Malino II. Violence subsided quickly and a fragile peace emerged, bringing some stability. On April 28, however, a gang of masked men entered the Christian Ambonese village of Soya and killed at least 12 residents. The attack came hours after LJ's commander, Ja'far Umar Thalib, delivered an incendiary speech, saying there would be no reconciliation with Christians, and that Muslims must prepare for combat. The Government arrested Thalib on May 4 and put him on trial on August 15 for inciting religious violence, insulting the Government, and humiliating the President. On December 19, prosecutors requested that judges sentence Thalib to 1 year in jail, a sentence that some human rights activists rejected as too light. The trial was ongoing at year's end. On October 15, LJ closed its headquarters, and Thalib and other LJ officials later confirmed that the group had been dissolved. Hundreds of former members subsequently left Ambon. On May 25, unidentified attackers in two speedboats opened fire on the passenger ferry Oyo Star off Haruku island and killed five Christians. At year's end, the shaky peace remained in place, but violence in the Moluccas had killed approximately 75 persons and prevented at least 300,000 displaced persons from returning home during the year.

Historically, Central Sulawesi has shared certain similarities with the Moluccas, including an evenly divided population of Christians and Muslims and political and economic tensions. In April 2000, in the city of Poso, communal violence quickly escalated. Mobs killed numerous persons and destroyed vehicles and homes. LJ leveled entire villages, some of them Christian and some of which were home to Hindu migrants from Bali. Muslim and Christian religious leaders were accused of incitement. On September 10, police arrested Christian leader Rinaldy Damanik after they found firearms and ammunition in a vehicle in which he was travelling. Observers said Protestant and Muslim groups overreacted to violent incidents, with the effect that reciprocal attacks became exponentially more lethal. By the end of 2001, interreligious violence in the province had killed approximately 2,000 persons and displaced more than 100,000 persons.

In December 2001, the government's deployment of 4,000 elite soldiers and police helped dissipate the violence in Central Sulawesi in the wake of the Malino I peace agreement between the province's Christian and Muslim communities. Special police units that kept LJ fighters in check helped to reduce the bloodshed. During the year, amid a heavy security force presence, peaceful conditions prompted many internally displaced persons (IDPs) to return to their homes in the province. Residents removed many barricades, and the local economy revived. However, on June 5, a bomb exploded aboard a crowded passenger bus, killing five persons, including a Protestant minister. The Government responded by inserting additional security forces, which reinstituted a fragile peace that held for the rest of the year. During the year, violence in Central Sulawesi killed dozens of persons and prevented at least 113,000 IDPs from returning home, mostly in the Poso area.

In Kalimantan ethnic tensions continued, mainly between indigenous Dayaks and ethnic Madurese settlers. However, the two groups largely avoided bloodshed, unlike in 2001 when Dayaks killed hundreds of Madurese. However, some killings occurred, including the May 26 decapitation of an elderly Madurese man in the Kapuas district of Central Kalimantan (see Section 5). In late July, at least three Madurese were beheaded in the province, but police concluded that those killings were motivated criminally. In August the Norwegian Refugee Council (NRC) reported that approximately 41,000 persons in West Kalimantan were displaced. Virtually all were Madurese, most of whom were driven out of the city of Sambas in 1999 or 2000 and fled to Pontianak, capital of West Kalimantan. The Government relocated many to resettlement sites outside of Pontianak. Madurese groups, including the Madurese Students Association, criticized the Government for relocating Madurese IDPs to new sites, instead of escorting them back to the land they legally owned and ensuring their safety. The Government did not announce any progress in its investigation into the 2001 killings of ethnic Madurese.

Bombs exploded in or near the cities of Ambon, Banda Aceh, Bandung, Denpasar, Jakarta, Kuta, Manado, Medan, Palu and Poso, among others. On August 1, in Jakarta, a car bomb exploded, wounding the Philippine Ambassador and killing an Embassy guard and a woman who happened to be passing by the area. By year's end, it was still unclear who had carried out the attack, and investigators had not made any arrests. On September 23, in Jakarta, a grenade exploded inside a car as the occupants passed near a residence owned by a foreign embassy, killing the man handling the grenade and injuring the driver and another man, who both fled. The initial police statement indicated that this was a failed attack against a foreign diplomatic residence. Police subsequently

captured three suspects. A government investigation continued at year's end. On October 12, two powerful bombs exploded in an entertainment district of Kuta, Bali, killing at least 186 persons, many of them foreign tourists. The bombings also injured 328 persons and destroyed 53 buildings. According to a senior police official, the incident was the most lethal terrorist attack in the country's history. Investigators subsequently arrested 15 suspects, at least 3 of whom reportedly acknowledged ties to Jemaah Islamiyah (JI), a terrorist group linked with al-Qa'ida. The investigation continued at year's end.

The Government made some progress in pursuing justice for previous bombings. On July 24, the Jakarta High Court handed a 20-year sentence to Malaysian citizen Taufik bin Abdul Halim for the August 2001 bombing of the city's Atrium shopping complex, which seriously injured six persons. Abdul Halim was carrying the bomb when it exploded prematurely. At year's end, the Supreme Court was reviewing his case. On July 18, the Supreme Court extended the prison term of 1 of 4 men convicted in the September 2000 bombing of the Jakarta Stock Exchange, which killed 15 persons. The court rejected the appeal by Tengku Ismuhadi Jafar and changed his 20-year sentence to life imprisonment. On October 19, the Government announced the arrest of alleged JI leader Abu Bakar Ba'asyir in connection with the 38 bombs that exploded across the archipelago on Christmas Eve 2000, which killed 19 persons and injured at least 120 others. The investigation continued at year's end.

Mobs carried out vigilante justice on many occasions, but reliable nationwide statistics were not available. Incidents of theft or perceived theft triggered many such incidents. On June 14, in the north Jakarta community of Tanjung Priok, pedicab drivers beat and severely injured two municipal guards. On June 20, in the West Java city of Tangerang, a mob burned to death a man who had allegedly stolen a television and a VCD player from a house. The man's fingers were removed, making a positive identification of the body more difficult. On August 26, hundreds of residents of the West Java town of Majalengka attacked and killed two plainclothes policemen suspected of stealing motorbikes. The victims were investigating reports of motorbike theft. On September 9, in the same city, a mob fatally assaulted a local resident after he attacked a motorcycle taxi driver and tried to steal the vehicle.

b. Disappearance

According to the Committee for Missing Persons and Victims of Violence (Kontras), large numbers of persons who disappeared over the past 20 years, mainly in conflict areas, remained unaccounted for at year's end. In addition, hundreds of new disappearances were reported. Many of the disappearances occurred in Aceh, where according to the Aceh branch of Kontras, approximately 224 persons disappeared during the year.

At least three other disappearances took place in Papua. Some disappearances were motivated politically, while in other cases persons were kidnaped for ransom. Human rights organizations accused police and soldiers in Aceh of involvement in many of the disappearances; however, GAM also kidnaped many civilians for ransom. In many cases, little or no information was available regarding a victim's sudden disappearance. On January 28, in the village of Kuala, West Aceh, three adults and one infant disappeared while enroute to a plantation where the adults worked. On February 13, the village chief of Lhok Leubu, Pidie regency disappeared while returning from a shopping trip to a neighboring town. The Government did not take significant action to prevent the security forces from kidnaping civilians.

GAM rebels kidnaped and subsequently freed many people during the year. On June 30, suspected GAM rebels hijacked the Pelangi Frontier, a supply ship operating off the northern coast of Aceh, and took nine crewmen hostage. They released the crew a week later, with a statement that the release was based on confirmation that the crew was not associated with the military. Credible sources said that no ransom was paid. Also in June, the security forces accused the GAM of kidnaping nine athletes who were returning to the Acehnese town of Sigli from a sports competition in the city of Medan. According to a credible witness, armed rebels stopped the athletes' vehicle and released the driver and his assistant, but detained the athletes. In July they were released and no ransom was paid. The GAM denied responsibility and stated that the TNI had fabricated the story. In January in Peureulak, East Aceh, the GAM kidnaped and detained for 4 months nine high school students who were accused of spying for Brimob. The kidnappings came after soldiers located and killed three GAM rebels. One detainee alleged she had been raped. The Government did not investigate this allegation during the year and failed to announce any progress in investigations into other GAM-linked disappearances during the year.

The Government did not take significant action to prevent security force members from carrying out kidnappings. According to a credible human rights activist, police and soldiers in Aceh frequently and illegally detained citizens. The activist said dozens were held at any given time. It was unclear whether any such detainees died in custody during the year.

A number of ethnic Papuans disappeared during the year. On February 21, Martinus Maware, a former logging company employee and suspected OPM member, disappeared while under heavy guard at a military hospital, where he was being treated after soldiers guarding the company shot him in the leg during a dispute. On March 2, in the Central Java city of Salatiga, two men on a motorcycle kidnaped Mathius Rumbapuk, one of four students convicted of subversion for a December 2000 demonstration in front of a foreign embassy. Rumbapuk's friends alleged that the kidnapers were plainclothes policemen. There were no developments in the case of missing Papuan Hubertus Wresman, who was kidnaped from his parents' home by Kopassus troops in June 2001 according to Amnesty International (AI) and Wresman's relatives. The Institute for Human Rights Study and Advocacy (ELSHAM) reported that Wresman participated in an attack on a military post that killed four soldiers several months before he disappeared.

The Government made slight progress in its investigation into the July 1996 attack by hundreds of progovernment civilians and soldiers on the Jakarta headquarters of what was then the Indonesian Democratic Party (PDI); 23 persons disappeared and 5 persons died in the attack. In September Jakarta prosecutors said they had received three police dossiers on suspects, who finally were being placed on trial. Prosecutors returned two other dossiers to the police, which they described as incomplete. One named General Sutiyoso, Jakarta's military commander in 1996 and current Governor, as a suspect.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Criminal Code makes it a crime punishable by up to 4 years in prison for any official to use violence or force to elicit a confession. In practice, law enforcement officials widely ignored such statutes. Security forces continued to employ torture and other forms of abuse to produce confessions and as a form of punishment. Police often resorted to physical abuse, even in minor incidents.

During the year, the security forces committed numerous acts of torture in Aceh. According to the Aceh branch of KontraS, 1,472 persons were tortured in the province during the year. On May 6, the military released Acehnese Rizki Muhammad, after more than 1 week of detention, during which soldiers allegedly clubbed and burned him with molten plastic. KontraS stated that on May 19, soldiers in the north Aceh village of Alue Dua visited the home of farmer Nurdin Doni, a suspected GAM member. When they learned he was not home, they broke his wife's feet and forced the couple's three children, aged 8 to 14, to stand in a fish pond for 3 hours. The Government did not hold anyone responsible, nor did it launch an investigation into the case. On May 24, a joint military/police squad questioned M. Thaleb, in the village of Meunasah Blouk, Blang Mangat subdistrict. The troops accused Thaleb of being a GAM member and tortured him, peeling some of the skin off his face and causing injuries to his lips and teeth. On June 6, in the north Aceh village of Jawa-Banda Sakti, three Brimob policemen entered the home of Syahrul Gunawan and inflicted severe injuries to his head, eyes, nose, and cheeks.

Police in Papua occasionally also tortured detainees, and in rare cases, their injuries resulted in death. On July 31, according to ELS HAM, Yanuaris Usi died in police custody as a result of torture.

Rapes, some punitive, occurred frequently in conflict zones. Human rights advocates blamed many of the rapes on soldiers and police. Statistics were unavailable, but credible sources provided a number of accounts that involved both soldiers and police. KontraS stated that in April, for an unknown reason, police arrested a 17-year-old girl at her home in the Acehnese village of Ulee Blang. They forcibly intoxicated her with alcohol then raped her. An interfaith organization operating in Poso, Central Sulawesi, reported that high rates of depression among female IDPs because many had been raped and impregnated by Brimob members.

There were no reports during the year that East Timorese women were held against their will as sex slaves in West Timor, as had been alleged in previous years.

During the year, there was no progress in the government's probe into the May 1998 civil unrest in Jakarta and other cities, which included attacks against Sino-Indonesian women. However, in December, KOMNASHAM set up a team to investigate the incident.

Occasionally Brimob personnel used arson as a form of punishment. On October 9, an Aceh police official said 40 police officers, some from Brimob, were questioned for allegedly burning down 80 shops and homes. None were prosecuted. Witnesses said police started the fires after GAM members killed two policemen. The GAM burned numerous rural schools and other government buildings during the year. Credible sources stated that GAM was implicated in the June 14 and 15 torching of seven schools, four of which were located in the city of Lhokseumawe.

During the year, Islamic extremists attacked a number of nightclubs, ostensibly to punish them for tolerating or promoting vice. The Islam Defenders Front (FPI) in Jakarta carried out many such attacks, during which prostitutes sometimes were assaulted. On March 7, the eve of the Islamic New Year, hundreds of FPI members attacked a pool hall in South Jakarta after approaching bars and discotheques in Central Jakarta and demanding that they close out of respect for the holiday. On June 26, approximately 200 FPI members smashed beer bottles, signs and windows in the popular Jaksa street area of Jakarta, in full view of police. On October 4, 400 FPI members attacked a billiard hall and discotheque in West Jakarta, angered that they were open on a Muslim holiday. Following those attacks, however, police arrested 13 FPI members and charged 8 of them with disturbing the peace. Community and religious leaders praised these arrests. On October 16, police also arrested FPI Chairman Habib Rizieq in connection with cases of vandalism and violence going back to 2000.

Prison conditions were harsh, with 12 inmates typically sharing a 2-meter by 4-meter cell. Guards regularly extorted money and mistreated inmates. The wealthy or privileged had access to better treatment in prison. In July Hutomo "Tommy Suharto" Mandala Putra started serving a 15-year sentence at Batu prison on the island of Nusakambangan, off of Java's south coast. Tempo magazine reported that his cell, unlike most, had a bathroom of its own and no bars on the windows. Prison authorities housed female inmates separately from men, but in similar conditions. Juveniles were not separated from adults. There was no official restriction against prison visits by human rights monitors. In practice, prison officials and guards rarely provided access, although the International Committee of the Red Cross (ICRC) visited convicted prisoners on occasion.

d. Arbitrary Arrest, Detention, or Exile

The Criminal Procedures Code contains provisions against arbitrary arrest and detention, but lacks adequate enforcement mechanisms, and authorities routinely violated it. The code provides prisoners with the right to notify their families promptly and specifies that warrants must be produced during an arrest (except if, for example, a suspect is caught in the act of committing a crime). The law allows investigators to issue warrants, but, at times, authorities made arrests without warrants. No reliable statistics exist on how many arbitrary arrests and detentions took place during the year.

A defendant may challenge the legality of his arrest and detention in a pretrial hearing and may sue for compensation if wrongfully detained. However, it was virtually impossible for detainees to invoke this procedure or to receive compensation after being released without charge. Military and civilian courts rarely accepted appeals based on claims of improper arrest and detention. The Criminal Procedures Code also limits periods of pretrial detention and specifies when the courts must approve extensions, usually after 60 days. The courts generally respected these limits. The authorities routinely approved extensions of periods of detention.

In areas of separatist conflict, such as Aceh and Papua, police frequently and arbitrarily detained persons without warrants, charges, or court proceedings. The authorities rarely granted bail. The authorities frequently prevented access to defense counsel during investigations, and limited or prevented access to legal assistance from voluntary legal defense organizations. It was unclear whether any person died while in custody during the year.

On October 18, the Government issued two decrees on terrorism that allow it to use evidence from wiretaps, video recordings, and other surveillance previously inadmissible in court to fight terrorism (see Section 1.f.). The first decree loosened restrictions on evidence to prosecute terrorists; allowed up to 7 days of detention based solely on intelligence reports; and provided the police with authority to hold suspects for whom there was stronger evidence for 6 months without the authority of prosecutors or judges. The second decree stipulates that the first decree can be applied retroactively to detain suspects who were involved in the October 12 bombings. The country's largest Islamic organizations and parties across the political spectrum publicly supported the decrees. Some human rights NGOs raised concerns that the decrees could facilitate human rights abuses, but prominent human rights lawyers judged the safeguards were better than those in other parts of the Criminal Code.

In Aceh security forces routinely employed arbitrary arrest and detention without trial. On July 16, in Banda Aceh, local police took seven young members of the Acehnese Women's Democratic Organization (ORPAD) into custody following a rally in which they expressed antigovernment views. The police released six of the seven women a day later, but continued to hold Raihana Diani, who helped organize the rally, through the end of the year. The authorities charged her with insulting the President, a violation of Articles 134 and 137 of the Criminal Code. On December 23, prosecutors demanded a sentence of 8 months. At year's end, Diani still was awaiting sentencing. On July 31, in Papua, Yanuarius Usi allegedly died in police custody as a result of mistreatment (see Section 1.c.). On September 26, police in Jakarta arrested and briefly detained anticorruption activist Azas Tigor Nainggolan. Tigor, Chairman of the Jakarta Residents Forum (FAKTA), allegedly slandered Jakarta Governor Sutiyoso by claiming that he had bribed city councilors.

On September 11, in southern Aceh, the TNI detained two foreign women in an area off limits to foreigners. The soldiers denied them Consular access and, according to the two women, punched and sexually harassed them. The TNI subsequently turned the two over to police, who transferred them to Banda Aceh, where they were charged with violating the terms of their tourist visas. On December 30, a court convicted them for violating the terms of their tourist visas, sentencing one to 4 months in prison and the other to 5 months.

On April 17, police in Jakarta released imprisoned Acehnese student leader Fiasal Saifuddin, pending appeal of his 1-year sentence for "spreading hatred toward the state." Saifuddin, of the NGO SIRA, had demonstrated in front of the United Nations (U.N.) building in Jakarta; he had served approximately 6 months of his sentence. In November 2001, police in Banda Aceh released from detention student leader Kautsar Mohammed, who was held on the same charge as Saifuddin.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for judicial independence. However, in practice, the judiciary remained subordinate to the Executive and was often influenced by the military, business interests, and politicians outside of the legal system. The law requires that the Justice Ministry gradually transfer administrative and financial control over the judiciary to the Supreme Court by 2004. However, judges were civil servants employed by the executive branch, which controlled their assignments, pay, and promotion. Low salaries encouraged corruption, and judges were subject to pressure from governmental authorities, which often influenced the outcome of cases.

Under the Supreme Court is a quadripartite judiciary of general, religious, military, and administrative courts. The law provides for the right of appeal, sequentially, from a district court to a High Court to the Supreme Court. The Supreme Court does not consider factual aspects of a case, but rather the lower court's application of the law. The judicial branch was theoretically equal to the executive and legislative branches and had the right of judicial review over laws passed by the DPR, as well as government regulations and presidential, ministerial, and gubernatorial decrees.

At the district court level, a panel of judges conducts trials by posing questions, hearing evidence, deciding on guilt or

innocence, and assessing punishment. Judges rarely reversed initial judgments in the appeals process, although they lengthened or shortened sentences. Both the defense and prosecution can appeal verdicts.

The law presumes that defendants are innocent until proven guilty and permits bail. Defendants have the right to confront witnesses and call witnesses in their defense. An exception is allowed in cases in which distance or expense is deemed excessive for transporting witnesses to court; in such cases, sworn affidavits may be introduced. Prosecutors were reluctant to plea bargain with defendants or witnesses, or to grant witnesses immunity from prosecution. As a result, many witnesses were unwilling to testify, particularly against government officials. The courts often allowed forced confessions and limited the presentation of defense evidence. Defendants did not have the right to remain silent and some were compelled to testify against themselves.

The Criminal Procedures Code gives defendants the right to an attorney from the time of arrest, but not during the prearrest investigative period, which may involve prolonged detention. Persons summoned to appear as witnesses in investigations do not have the right to legal assistance. The law requires counsel to be appointed in capital punishment cases and those involving a prison sentence of 15 years or more. In cases involving potential sentences of 5 years or more, the law requires the appointment of an attorney if the defendant is indigent and requests counsel. In theory indigent defendants may obtain private legal assistance, but in practice authorities persuaded many defendants not to hire an attorney. In many cases, procedural protections, including those against forced confessions, were inadequate to ensure a fair trial. Widespread corruption continued throughout the legal system. Bribes influenced prosecution, conviction, and sentencing in countless civil and criminal cases.

A military justice system exists and during the course of the year, members of the armed forces were prosecuted, generally for common crimes.

Four district courts exist to adjudicate gross human rights violations. The law provides for each to have five members, including three noncareer human rights judges, who are appointed to 5-year terms. Verdicts may be appealed to the standing High Court and Supreme Court. The law provides for internationally recognized definitions of genocide, crimes against humanity, and command responsibility, but it does not include war crimes as a gross violation of human rights. The law stipulates the powers of the Attorney General, who is the sole investigating and prosecuting authority in cases of gross human rights violations, and who is empowered to appoint ad hoc investigators and prosecutors. The law also empowers the Attorney General (as well as the courts) to detain suspects or defendants for multiple fixed periods in cases of gross human rights violations. However, the law requires the Human Rights Court to approve the extension of any detention of suspected human rights violators. For gross human rights violations that occurred before the enactment of the law, the law allows the President, with the recommendation of the DPR, to create an ad hoc bench within one of the human rights courts to hear cases associated with a particular offense.

On March 14, the ad hoc human rights tribunal for East Timor convened in Jakarta after the government failed to investigate instances of gross human rights abuses within the timeframes stipulated by the human rights tribunal law. According to a broad interpretation of this law, the attorney general should have commenced prosecution no later than February 23, 2001, or a maximum of 310 days after the formation of his special investigative team on April 19, 2000. A stricter reading of the statute would have moved forward the deadline for prosecution by approximately 3 months, or 310 days after Komnasham provided the results of its inquiry into the East Timor atrocities on January 31, 2000. The DPR did not recommend the tribunal's establishment until March 2001; the presidential decree authorizing its establishment was withheld until late the following month, and the government deferred selection of non-career tribunal jurists until mid-January. The government's failure to meet statutory deadlines in preparing cases for the tribunal represented a major procedural violation that could provide grounds to overturn any convictions on appeal.

In his April 2001 decree creating the tribunal, former President Wahid limited the tribunal's jurisdiction over East Timor atrocities to those that occurred after the August 30, 1999 referendum. In August 2001, President Megawati allowed the tribunal to also include selected incidents that occurred in East Timor during April 1999, thus retroactively applying the country's human rights statutes to East Timor cases for the first time. However, President Megawati's decree limited the tribunal's jurisdiction to only those atrocities that occurred during April 1999 and September 1999 in 3 locations: Liquica, Dili, and Suai. The time and geographic restrictions placed on the tribunal's jurisdiction complicated prosecutors' ability to demonstrate that the atrocities in East Timor throughout 1999 were gross human rights abuses, defined as a systematic and widespread pattern of abuse by security force officers and their militia proxies. Legal experts said that in order to win a conviction in the tribunal, it was crucial to prove that such a pattern of abuse occurred. Pursuant to the August 2001 presidential decree, prosecutors brought charges against only 18 of the individuals implicated in East Timor atrocities by the January 2000 Komnasham inquiry report.

The East Timor ad hoc human rights tribunal convened its first trial in March and concluded 14 of 18 trials during the year. Only one member of the security forces was found guilty in connection with 1999 violence in the former Indonesian territory. The court convicted army Lt. Col. Soedjarwo of crimes against humanity for failing to prevent pro-Jakarta militiamen from attacking the Dili seaside home and office of Archbishop Belo, where a number of civilians had taken refuge, and at least 13 persons were killed. Soedjarwo was sentenced to 5 years in jail. The tribunal also convicted two other persons, both civilians. Former East Timor Governor Abilio Soares was sentenced to 3 years, and former Aitarak militia leader Eurico Guterres-like Soares an ethnic East Timorese—received a 10-year sentence. Tribunal law mandates a 10-year minimum term of imprisonment. All three persons convicted remained free at year's end, pending their appeals. Most of the 18 persons indicted were low- and mid-level officers and officials. All were charged as responsible parties to the 1999 massacres at Liquica church (April 6) and at Manuel Carrascalao's home in Dili (April 17), as well as those at the Dili diocese (September 5), and at Archbishop Belo's home and the

Suai church (September 6).

In all of the trials, prosecutors presented weak cases that failed to prove the defendants' involvement in gross human rights abuses. Prosecutors did not fully use the resources or evidence available to them from the UN and elsewhere in documenting the atrocities in East Timor, and called few East Timorese witnesses. Most of their remaining witnesses were themselves defendants in other cases in the tribunal's docket. In some cases, judges harassed witnesses and/or disregarded their testimony, which highlighted concern over the overall fairness of the judicial process. In addition, the regular presence in the gallery of substantial numbers of uniformed military personnel and their East Timorese supporters intimidated witnesses. In one case, judges failed to authorize an interpreter's participation in the trial, with the effect that a witness was unable to testify in her native language, Tetum. Consequently, the witness was compelled to testify in rudimentary Indonesian, which resulted in heckling by soldiers present in the courtroom, which the judges made no attempt to control. UN Human Rights Chief Mary Robinson said the results of the trials were "not satisfying in terms of international human rights standards."

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The law requires judicial warrants for searches except for cases involving subversion, economic crimes, and corruption. Nevertheless, security officials occasionally broke into homes and offices. The authorities generally did not monitor private communications but they occasionally spied on individuals and their residences, and listened in on telephone calls. There were reports that the Government occasionally infringed upon privacy rights of migrant workers returning from abroad, particularly women. Corrupt officials sometimes subjected the migrants to arbitrary strip searches, expropriated valuables, ordered currency conversions at below-market rates, and extracted bribes at special lanes set aside at airports for returning workers.

On January 8, President Megawati signed the Law on Overcoming Dangerous Situations, which provides the military broad powers in a declared state of emergency, such as limiting land, air and sea traffic, and ordering people to relocate. However, the Government did not implement the law during the year (see Section 2.d.). On May 23, in Maluku Province, after attempts to formally impose martial law met widespread opposition, Coordinating Minister for Political and Security Affairs Susilo Bambang Yudhoyono announced that an Army General would lead both the military and the police in the province. Kontras and other NGOs criticized the move, arguing that restructuring the command system amounted to imposition of martial law.

Human rights activists increasingly viewed the national identity card (KTP) system as a form of government interference in the privacy of citizens. The KTPs, which all citizens are required to carry, identifies the holder's religion. NGOs charged that the KTPs undermined the country's secular tradition and endangered cardholders who traveled through an area of interreligious conflict. Members of the five religions officially recognized by the Government—Islam, Protestantism, Catholicism, Hinduism and Buddhism—had little or no trouble obtaining accurate identification cards during the year; however, members of minority religions, frequently were denied a card, or denied one that accurately reflected their faith (see Section 2.c.).

In many parts of the archipelago, particularly in Kalimantan and Papua, indigenous persons believed that the government-sponsored transmigration program interfered with their traditional ways of life, land usage, and economic opportunities. During the year, the program moved 103,218 households from overpopulated areas to more isolated and less developed areas. The Government sent 21,617 households to Central Kalimantan, making that province the top destination.

The Government used its authority, and at times intimidation, to appropriate land for development projects, particularly in areas claimed by indigenous people, and often without fair compensation.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and for freedom of the press, and the Government generally respected these rights in practice; however, various forms of censorship continued to threaten press freedom.

Journalists, human rights activists, and others expressed alarm over the DPR's November 28 passage of a Broadcasting Bill, which would establish an Indonesian Broadcasting Commission (KPI) of questionable independence. Critics said the law would limit foreign-produced news and require broadcasters to make unspecified "corrections" if there were protests over news content. The law's supporters said it would promote local broadcasting after decades of Jakarta-centric news and bring order to the industry. The bill was sufficiently vague to be interpreted in any number of ways. For this reason, and because lawmakers and the Government put off a crucial decision on whether the KPI would have the sole right to issue broadcasting licenses, it was not immediately clear whether the law would seriously undermine press freedom.

During the year, police used violence and intimidation against journalists. The Alliance of Indonesian Journalists (AJI) stated that from April 2001 through April of this year, 118 journalists were assaulted or threatened. In Aceh GAM rebels frequently intimidated journalists and occasionally used violence against them. In May in the city of Banda Aceh, a car belonging to the Bureau Chief of the Medan newspaper Waspada was burned. This came one week after the paper rejected a demand to print all GAM statements in their entirety. On at least three occasions during the year, suspected GAM supporters stopped a vehicle distributing copies of Waspada and then burned all of the copies. On June 26, in the East Java town of Gedangan, police beat Kompas journalist Wisnu Dewabrata while he was covering a labor dispute. They also seized his camera and press card. On

July 10, in the northern Aceh town of Bireun, police entered the bureau of the newspaper Serambi Indonesia and attacked two journalists after the paper published a front-page article that quoted a rebel spokesman. On August 3, in Jakarta, at the annual session of the MPR, a member of the presidential security detail kicked and punched radio reporter Rizky Hasibuan.

During the year, journalists showed greater willingness to speak out against police violence. On July 15, in the East Java city of Surabaya, approximately 50 news workers demonstrated against acts of violence and intimidation against journalists. In July in Jakarta, free press advocates announced a two pronged strategy to protect journalists: Litigating cases of police violence with help from the Association of Legal Aid and Human Rights Organization (PBHI), and urging KOMNASHAM to set up a permanent body to protect journalists.

Foreign journalists based in the country accused the Government of interfering with their work. For instance, the Government declined to renew the work visa of Sydney Morning Herald reporter Lindsay Murdoch. The head of the Foreign Correspondents Club of Jakarta, Atika Shubert, said the Government did not announce why it would not renew the visa, but that some government officials cited Murdoch's scrutiny of the military as a reason.

In June prosecutors in Jakarta closed their investigation into the 1999 slaying in East Timor of Dutch journalist Sander Thoenes. A government spokesman said there was not enough evidence to prosecute, although several eyewitnesses reportedly identified a TNI soldier as the alleged killer.

The law mandates that all television stations, including regional ones, operate from Jakarta. Radio stations also faced restrictions. In June police arrested the director of a regional television station, the Jawa Pos' JTV, and shut down the station for trying to operate from a location other than Jakarta. Police threatened to demolish the station's antenna if it dared transmit again. One radio station claimed it spent a sum equivalent to 2-years' budget on bribes without being any closer to obtaining a broadcast license.

During the year, private citizens increasingly took censorship matters into their own hands. Religious extremists, political hard-liners, student activists, and paid criminals raided news offices in response to news coverage. In some of these raids, they beat journalists and destroyed office equipment. On January 2, 300 members of the youth wing of the ruling PDI-P Party reportedly occupied the Jawa Pos office after the newspaper ran an article that criticized President Megawati.

In August the extremist Indonesian Mujahidin Council (MMI) intimidated a Jakarta-based TV network, SCTV, into pulling a public service announcement promoting tolerance among Muslims. The MMI objected to the spot's assertion that "Islam is varied," calling it blasphemy. Also during the year, an Islamic group extracted a "fine" from the newspaper Republika following the publication of an editorial by a moderate Muslim scholar. In Yogyakarta a Molotov cocktail was thrown at the office of the People's Sovereignty newspaper after its editor said he was not afraid of zealots.

In November a group of Islamic leaders issued a death "fatwa" against Islamic scholar Ulil Abshar Abdalla for writing a Kompas newspaper article that asserted, among other things, that it was not essential for Muslims to wear Islamic dress and that all religions were "different pathways to God." The group, based in Bandung, later retreated from the threat, stating it merely had noted what could happen to those who insulted Islam.

Despite numerous incidents of violence and intimidation of the press, there were some positive developments. Media watch groups, including the AJI and the Institute of Free Flow of Information, increasingly were active. Labor unions at news organizations were more assertive in defending journalists' rights. The dramatic proliferation of publications and news programs resulted in healthy competition and an increase in aggressive reporting. The Government stopped restricting the import of Chinese language publications and music (see Section 5). In addition, other foreign magazines and books no longer faced official censorship.

A Government-supervised Film Censorship Institute continued to censor imported movies, mainly for pornography. By law Communist teachings cannot be disseminated or developed, and on at least one occasion in October, the Government publicly discussed banning a book because it contained Marxist content.

The law provides for academic freedom, and there were no significant constraints on the activities of scholars. The Government did not restrict or censor course content or curricula, and open discussions, often featuring harsh criticism of the Government, took place at universities.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricted this right in certain areas. The law generally does not require permits for public social, cultural or religious gatherings; however, any gathering of five or more persons related to political, labor, or public policy required police notification (see Section 6.a.). The law requires that persons planning to hold a demonstration notify police 3 days in advance and appoint someone accountable for every 100 demonstrators.

During the year, many rallies turned violent due to overzealous demonstrators, police, or counter-demonstrators. Some observers believed police exercised greater restraint than in previous years, but others noted that police beat protestors and

fired tear gas on a number of occasions. On July 1, in Jakarta, police injured dozens of university students and four journalists in a demonstration in front of the DPR compound. On September 11, Jakarta police fired rubber bullets and water cannons, injuring demonstrators taking part in a massive rally against the reelection of Governor Sutiyoso. At the same rally, unknown persons handed out food containing cyanide, which poisoned, but did not kill, 30 persons.

On many occasions, police stood by as counter demonstrators attacked demonstrators. On May 20, in the Central Java city of Semarang, two persons were injured at a rally held by the Democratic Front for Poverty Eradication (FDPRM) when dozens of persons, who claimed to be members of the ruling PDI-P, attacked the demonstrators. Journalists reported that police did not intervene.

During the year, the Government arrested protestors deemed to have insulted publicly the country's leaders, which is a crime in the country. On June 24, police in Jakarta arrested activists Muzakkir and Nanang Mamija for stepping on pictures of the President and Vice President in a rally in front of the State Palace. Police detained them on a charge of premeditated slander of the President. On October 24, the Central Jakarta District Court sentenced them to 1 year in prison. On June 25, Minister of Manpower Jacob Nuwa Wea warned demonstrators not to deface, kick, or burn pictures of the President and Vice President, or he would "hunt them down." On July 16, in Banda Aceh, police arrested seven young women for displaying defaced pictures of the President and Vice President during a street protest (see Section 1.d.). In August police in Medan detained and questioned demonstrators who painted an "X" on photos of the President and Vice President.

The Constitution provides for freedom of association; however, the Government restricted the exercise of this right. Although the Papua Special Autonomy Law permits the flying of a flag symbolizing Papua's cultural identity, the police prohibited the flying of the Papuan Morning Star flag during the year. The police claimed the design of the Papuan flag allowed by law had yet to be negotiated by the Government, and that until that time, it remained banned. However, the Morning Star flag did fly at some public gatherings during the year, and there were no reported incidents of police using excessive force to remove such flags.

In Aceh Province, security forces continued to enforce a ban on the flying of the Acehnese flag. On May 6, in Banda Aceh, a university student carried an Acehnese flag during a peaceful student demonstration that called for a ceasefire. Police took the students into custody, beat him, burned him repeatedly with cigarettes, and struck him with the flag pole. Police officials later said he was "given counseling" at the police station, but this account was contradicted by the injuries visible on the student's body.

Maluku sovereignty front (FKM) leader Alex Manuputty, who faced treason charges in 2001 for hoisting the flag of the separatist South Maluku republic (RMS), returned to court during the year on subversion charges. Police detained Manuputty in Jakarta from March until December 28, when they released him but required him to check in regularly and attend his trial. On December 19, prosecutors demanded a 5-year prison sentence. The trial was ongoing at year's end.

c. Freedom of Religion

Article 29 of the Constitution declares that the state is based upon belief in one god, and that the state provides for every resident to adhere to their respective religion and to perform their religious duties in accordance with their religion and faith. The Government generally respected these provisions, but only five major faiths—Islam, Protestantism, Catholicism, Hinduism and Buddhism—received official recognition in the form of representation at the Ministry of Religious Affairs. Other religious groups were able to register with the Government, but only with the Ministry of Home Affairs, and only as social organizations. By stipulating that the country is based on belief in one God, the Government does not recognize atheism. The Government denied members of some faiths equal treatment in areas such as civil registration. There was no change in the status of religious freedom during the year. The Human Rights Law allows conversions between faiths, but converts to minority religions sometimes felt reluctant to publicize their conversions because they feared some degree of discrimination.

The civil registration system frustrated many members of minority religions. Civil Registry officials refused to register the marriages of Animists, Confucians, members of the Baha'i faith and others because they did not belong to one of the five officially recognized faiths. Hindus, whose religion was recognized officially, often had to travel far to register their marriages, because in many rural areas the local government could not or would not perform the registration.

Persons whose religion was not one of the five officially recognized faiths, or persons of Chinese descent, had difficulty in obtaining a KTP, which was necessary to register marriages, divorces, and births (see Section 1.f.). Men and women of different religions had trouble marrying and officially registering their marriages, and first had to find a religious official willing to perform a marriage ceremony; few were willing. Such couples also were required to register the union with the Government, which resulted in persons converting—sometimes superficially—to be married. Others traveled overseas, where they wed and then registered the marriage at an Indonesian Embassy.

Many of the religious groups that suffered discrimination in marriage registration also faced difficulties in registering their children's births. The MATAKIN, a Confucian advocacy group, stated that births of Confucians were recorded at the Civil Registry as out of wedlock, which caused shame or embarrassment.

During the year, several NGOs, including the Indonesia Anti-Discrimination Movement (GANDI), urged the Government to omit the category of religion from KTPs.

Foreign missionaries who obtained visas were allowed to work relatively unimpeded.

Police and soldiers occasionally tolerated illegal actions against religious groups by private parties.

Islamic law (Shari'a) was a source of significant debate during the year. Some small Islamist groups and political parties called for the national adoption of Shari'a by adding a sentence —the Jakarta Charter—to the Constitution, stating that there was an obligation for Muslims to practice Shari'a. Mainstream Muslims, Christians, Buddhists, Hindus, and others all spoke out against the threat that they claimed Shari'a would pose to the country's tradition of religious tolerance. In August the MPR rejected a motion to adopt the Jakarta Charter across the country. Limited efforts to apply Shari'a on regional and local levels met with mixed results. On January 1, the Government announced that the Muslim-majority Province of Aceh was permitted to implement Shari'a, as long as national law was not violated. However, by year's end the provincial legislature had not passed the necessary legislation to implement Shari'a. In other Islamic strongholds, attempts by local legislators and religious leaders to implement Shari'a had little result, in part because they lacked Aceh's legislative prerogatives and faced organized political opposition. Local governments introduced stricter Islamic legal practices in Cianjur and Garut, in West Java; Makassar, in South Sulawesi; and in Gorontalo, formerly part of North Sulawesi.

Churches continued to come under attack during the year, but such incidents were much less frequent than in previous years. According to the Indonesian Christian Communication Forum, attackers destroyed or forcibly closed 20 churches, many of them in Aceh. On September 29, in the South Sulawesi city of Makassar, unidentified residents demolished a Pentecostal church, citing the absence of a building permit.

There were fewer attacks on mosques, but some did occur. On July 14, in the predominantly Catholic town of Maumere, in Flores, thousands of persons attacked a mosque. It was unclear why local residents directed their anger at the mosque. Some residents concluded that outside elements purposely provoked communal unrest. From September 10-13, in the East Lombok town of Selong, thousands of orthodox Muslims attacked a mosque belonging to the nonorthodox Ahmadiyah community. Mobs burned the mosque and a number of houses and shops, and 340 residents fled.

For a more detailed discussion see the 2002 International Religious Freedom Report. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution allows the Government to prevent persons from entering or leaving the country, and the Government restricted freedom of movement. The revised Law on Overcoming Dangerous Situations gives the military broad powers in a declared state of emergency, including the power to limit land, air, and sea traffic; order persons to relocate; order house arrests; and prohibit migration into and out of an area. In practice the Government did not use these powers.

During the year, the Government prevented 214 persons from leaving the country and 4,243 persons from entering the country. Some of those barred from leaving were delinquent taxpayers, while others were involved in legal disputes.

Although the law does not provide for the granting of asylum or refugee status, the Government cooperated with the United Nations High Commissioner on Refugees (UNHCR), which maintained an office in Jakarta. During the year, the UNHCR resettled 474 refugees to third countries. At year's end, there were 236 U.N.-recognized refugees still living in the country, many from Iraq, Afghanistan, and Iran.

The above figures did not include East Timorese refugees, who the UNHCR stated numbered approximately 30,000 at year's end. Most of these remaining refugees resided in makeshift camps in the West Timor regencies of Atambua and Kupang. During the year, tens of thousands of East Timorese refugees were repatriated to their homeland, bringing the number who had returned from (Indonesian) West Timor since 1999 to more than 220,000 persons. The Government and UNHCR stated that at year's end, the remaining East Timorese in West Timor would no longer be considered refugees.

As of June, the World Food Program estimated the number of IDPs in the country at 1,413,708. In July the Norwegian Refugee Council (NRC) put the figure at 1,300,000. Other sources provided lower estimates. The NRC reported that most IDPs resided in the Moluccas, Sulawesi, Java, North Sumatra, West Kalimantan, Papua, and Aceh. Some NGOs partially blamed internal displacement on transmigration programs aimed at reducing demographic disparities between different parts of the country. The relocation of large groups of persons, particularly from Java, to under-populated areas led to ethnic imbalances, land disputes, and tensions that were difficult to contain. Separatist struggles underpinned the displacement in Aceh and Papua, while in Central Sulawesi and the Moluccas, interreligious violence caused displacement.

During the year, tens of thousands of Indonesian workers who were forced to leave Malaysia following its crackdown against undocumented workers were provided with shelters by the Government on Nunukan Island, East Kalimantan. The shelters developed into squalid camps and diseases spread by unsanitary conditions killed at least 70 persons. Government aid was slow to reach the displaced workers on Nunukan. However, it did arrive, and large number of persons eventually left the island several months after the influx began.

In August World Vision reported that there were 2,000 IDP households on the island of Madura, virtually all of whom had fled Central Kalimantan following ethnic clashes in February 2001.

The Government restricted freedom of movement through a system of "travel letters," which were required for travel within Maluku, Aceh, and Papua. Enforcement was inconsistent. In parts of Papua, officials required a travel letter for a resident to walk from one village to another. Some residents complained that the system promoted police graft, while others, including NGO activists, said the system ensured that police always were informed of their activities.

The Government briefly sought to restrict rural migrants from settling in the overcrowded capital city area, but the effort yielded little result. In April the Governor of Maluku Province banned foreigners from visiting to prevent outside provocateurs from aggravating the sectarian conflict there; however, he made a number of exceptions to accommodate foreign aid workers. In July in North Maluku, for the same reason, authorities reportedly declared the province closed to outsiders whose identities were "ambiguous." The Government continued to attempt to ban foreigners from traveling to areas with secessionist conflicts like Aceh and Papua, and also to Central Sulawesi.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for general elections every 5 years. In August the MPR amended the Constitution to introduce direct elections for the President and Vice President beginning in 2004. It also stripped the military and police of uncontested seats in the DPR after the 2004 general elections. During the year, the police and the military continued to hold 38 unelected seats jointly in the DPR and 10 percent of the seats in provincial and district parliaments ostensibly as compensation for not having the right to vote in elections.

DPR members automatically were members of the MPR, which also included 130 regional representatives who were elected by provincial legislatures, and 65 appointed representatives from functional and societal groups.

Domestic and international observers monitored the last elections in June 1999, and generally considered them to be open, fair, and free. Following the 1999 elections, the MPR, in a transparent manner, elected Abdurrahman Wahid as President and Megawati Soekarnoputri as Vice President. In July 2001, the MPR convened an "Extraordinary Session" to require President Abdurrahman Wahid, who was President at the time, to account for his performance. Wahid refused to appear, claiming the charges were politically motivated, and instead issued a directive to "freeze" the MPR, the DPR, the Golkar Party, and to hold new elections. This exceeded his authority under the Constitution, and the military and police refused to enforce these measures. On July 23, 2001, the MPR canceled Wahid's mandate, and Vice President Megawati replaced Wahid as President as provided by law.

During the year, the legislative branch asserted its constitutional prerogatives, including its right to review government proposed legislation, to question and challenge the President and members of the Cabinet, and to provide a forum for public debate and presentation of grievances. However, cumbersome procedures and a lack of staff expertise hampered the DPR's ability to enact legislation. At year's end, there was a significant backlog of pending legislation concerning important political and economic issues.

The MPR has the right to amend the Constitution and issue decrees, functions that it undertook in the first of its newly instituted "Annual Sessions" held in August 2000. A key demand of the reform movement was an overhaul of the 1945 Constitution, which was perceived to have fostered the development of past authoritarian regimes. In the First Amendment of the Constitution, the 1999 MPR passed curbs on executive power, including a limit of two 5-year terms for the President and Vice President. At the same time, the MPR empowered an ad-hoc working committee to consider further amendments and to draft MPR decrees. This effort resulted in the adoption of the Second Amendment to the Constitution during the annual session in August 2000. The Second Amendment included many important changes, including provisions for protections of human rights modeled closely on the U.N. Universal Declaration of Human Rights, regional autonomy, and further separation of powers. During its November 2001 session, the MPR amended the 1945 Constitution to provide, among other changes, for direct presidential and vice-presidential elections, a bicameral legislature with a regional representative's chamber, and a constitutional court with the power of judicial review of legislation.

In August the MPR approved the Fourth Constitutional Amendment, which specifies that candidates for President and Vice President are to run together on a single ticket. It provides for a second round of direct voting if no one candidate gets a majority of votes cast, as well as at least 20 percent of the vote in half of the provinces. The MPR retained the authority to amend the Constitution but was no longer empowered to establish the broad guidelines of state policy. The 1999-2002 amendments, if fully implemented, would make the President and the Vice President directly accountable to constituents.

All adult citizens were eligible to vote, except active duty members of the armed forces, persons in prison convicted of crimes punishable by over 5-years' incarceration, persons suffering from mental disorders, and persons deprived of voting rights by an irrevocable verdict of a court of justice. Former members of the banned Indonesian Communist Party (PKI) may not run for office.

There were no legal restrictions on the role of women in politics. A woman, Megawati Soekarnoputri, served as President, the highest political position in the country (see Section 5). However, women accounted for only 2 of the 30 Cabinet Ministers and

45 of the 500 DPR members, while 7 of the 40 Supreme Court Justices were women. In August and September, women's activists, female legislators, and the Minister of Women's Empowerment called for 30 percent of legislative seats to be set aside for women to address this imbalance. On December 23, in her Women's Day Speech, President Megawati stated her opposition to the proposed quota. The DPR rejected the quota proposal included in the political party law that would have required parties to put forward women for 30 percent of available elective offices.

In Papua, as part of the province's Special Autonomy status, 30 percent of seats in the proposed Papuan People's Council were slated for women. The council, however, had not been formed yet, and Papua's provincial legislature did not pass implementing regulations in support of the Special Autonomy Program by year's end.

There were no legal restrictions on the role of minorities in politics. Javanese and Sundanese held many key positions, including all but one of the civilian Cabinet level posts for political and security affairs. Java and Madura accounted for approximately 60 percent of the Cabinet, which corresponded to their percentage of the population.

Section 4 Governmental Attitude Regarding International and NonGovernmental Investigation of Alleged Violations of Human Rights

Domestic NGOs were subject to monitoring, abuse, and interference by the Government; however, they remained active in advocating improvements to the government's human rights performance. Many NGOs, particularly those in Papua, accused the security forces of sabotaging their activities, and stated that this prevented exposure of many human rights violations. During the year, organized groups attacked members or offices of a number of NGOs and related organizations, including ELS HAM, Humanika, KOMNASHAM, KontraS, PBHI, and the Urban Poor Coalition (UPC).

On March 13, between 300 and 500 members of the military-backed Solidarity Group for Families of Victims of Bloody Cawang (SWAKARSA) raided the Jakarta office of KontraS, injured two staffers, destroyed office equipment, and stole documents. The attack came a day after members of a militia-organized group, Forum Ekspresi 1998, visited the office and demanded to know why KontraS had taken part in a recent demonstration outside the home of former Armed Forces Commander Wiranto. Human rights activists alleged the military instigated the attack. On March 28, hundreds of unidentified persons attacked UPC members at the Jakarta office of KOMNASHAM. The attackers clubbed women and children, and one held a knife to the throat of UPC's coordinator, Wardah Hafidz. Fifteen UPC members needed medical attention. Some of the attackers said they belonged to the Betawi Brotherhood Forum (BBF), but it was unclear whether they were in fact members.

On May 26, in Banda Aceh, a fire destroyed dozens of mostly wooden homes, many of them rented by human rights activists. Hundreds of security force members, particularly Brimob, appeared quickly on the scene, and some activists voiced suspicions regarding their sudden appearance.

On September 27, TNI Chief Endriartono Sutarto said the military planned to sue the Papua-based NGO ELS HAM for "libel against our good name." After the NGO told reporters that Kopassus troops were implicated in the August 31 ambush near Timika that killed three persons. ELS HAM also alleged that security force intelligence agents had threatened to kill members of its staff. On October 12, unknown persons ransacked ELS HAM's Jakarta office and stole computer disks.

On December 28, in Papua, near the border with Papua New Guinea, a group of unidentified gunmen fired on a vehicle carrying several family members of Johannes Bonay, Executive Director of ELS HAM. At least three occupants were wounded. A TNI commander reportedly blamed the attack on OPM, but a rebel official reportedly denied that the group would attack fellow Papuans. Also in December, the Government rejected a Council on Foreign Relations visit to Papua, after objecting to its focus on pro-independence groups and human rights activists, which the Government viewed as support for Papuan separatist efforts. In the aftermath of the Bali bombings, the Government also reportedly believed that the proposed visit presented security risks.

Early in the year, lawyers linked to the military took over the Indonesian Legal Aid Institute Foundation (YLBHI), parent organization of the Legal Aid Foundation (LBH). By year's end, LBH offices in Medan, Padang, Lampung, Palembang, and elsewhere were near financial collapse.

A police investigation into the alleged August 2000 kidnapping of four members of a Bandung, West Java-based NGO, the Agrarian Reform Council (KPA), concluded that the "kidnaping" was staged by KPA itself in an attempt to discredit the security forces. KontraS, which assisted KPA legally, discontinued its involvement in the case.

The Government generally viewed outside investigations or foreign criticism of its human rights record as interference in its internal affairs. The security forces and intelligence agencies tended to regard foreign NGOs with suspicion, particularly those operating in conflict areas. Several NGOs, including Peace Brigades International (PBI), reported an increase in government monitoring of foreigners in conflict areas. Some domestic NGOs expressed concern about possible negative consequences of contacting foreigners.

A number of government agencies and affiliated bodies addressed human rights issues, including the Ministry of Justice and Human Rights, the Ministry of Foreign Affairs, the Ministry of Women's Empowerment, and KOMNASHAM. Some activists complained that the division of government responsibilities was unclear and hindered progress in safeguarding human rights.

On July 8, the DPR announced the selection of 23 KOMNASHAM members, 5 of whom were members of the previous panel. Some activists said obstructionists within KOMNASHAM systematically weakened the Commission by suppressing probes and arranging for human rights cases to be transferred to the police. The law provides KOMNASHAM statutory authority to write legislation and allows for a membership of 35. However, the DPR selected only 23 persons. It was unclear how, or whether, the remaining 12 seats would be filled. Critics faulted the legislators for passing over a number of outspoken human rights campaigners. The law also provides KOMNASHAM with subpoena powers. Disputes that were settled by written agreement through the Commission were enforceable legally in court. The law does not give KOMNASHAM the power to enforce its recommendations, however, and in July one former member reported that the Government ignored over 80 percent of the panel's recommendations.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution does not explicitly forbid discrimination based on gender, race, disability, language, or social status. It provides for equal rights for all citizens, both native and naturalized. In practice, however, the Government failed to defend these rights adequately, and the basic rights of women and children were frequently abused. The Government did little to defend the rights of persons with disabilities.

Women

Violence against women remained poorly documented, and NGOs estimated that only 15 percent of domestic violence incidents were reported. On July 17, the Minister of Women's Empowerment said the number of domestic violence incidents had increased 29 percent from the previous year. The NGO Mitra Perempuan reported 111 cases of domestic violence in Jakarta and its suburbs during the first half of the year. In September Jakarta's biggest hospital, Cipto Mangunkusumo, admitted 72 women injured in domestic violence. It was unknown how many spouses were prosecuted for domestic violence due to the fact that police refused to provide relevant information. The UPC studied the problem of domestic violence and concluded that domestic violence was more common than before the 1997-98 financial crisis. Two types of crisis centers were available to women in distress: Government-run centers in hospitals and NGO centers operated in the community.

Rape is an offense punishable by 4 to 12 years in jail, and the Government jailed perpetrators for rape and attempted rape. Comprehensive statistics were unavailable, but in the month of September alone, Cipto Mangunkusumo admitted 56 women and 96 girls who were raped and 106 girls who were assaulted sexually. Women's rights activists speculated that these figures were lower than actual occurrences of rape because the social stigma associated with rape resulted in the underreporting of rape. The law does not treat rape by a spouse as a crime, and requires penile penetration to constitute rape. A women's activist in Aceh said that on several occasions during the year, soldiers used bottles and other foreign objects to violate local women; however, legally this was not considered rape, and no one had been held accountable by year's end.

Rapes committed by members of the security forces were most numerous in Aceh and other conflict zones (see Section 1.c.). In the Papuan provincial capital of Jayapura, human rights activists said at least 82 documented crimes against women and children were committed during the year, including 8 rapes by soldiers or police. A senior police official in Jayapura, however, denied that any of his officers had committed rape. At some police stations the burden of rape was placed on the victims, with posters that exhorted women not to wear revealing clothing lest they be raped.

During the year, some Acehnese women turned down marriage proposals by security force members, only to have their parents threatened. Women who did become engaged to security force members sometimes became targets for GAM rebels.

Women made some progress during the year in promoting awareness of crimes against women. In July in Jayapura, Papua, LBH held an interactive program over national radio, during which rape was discussed. A police representative took part in the dialog.

Female genital mutilation (FGM), also known as female circumcision, was practiced in some parts of the country. The NGO Population Council Indonesia carried out an 18-month study of the nature and scope of FGM, mainly in West Java and on the island of Madura. Researchers found that although FGM was prevalent in those areas, the preliminary findings suggested minimal short-term pain, suffering, and complications. Two types of people performed the procedure: midwives and local traditional practitioners. Researchers said the midwives' procedure involved the tearing, cutting or piercing of part of the genitals, but not the removal of tissue. Most of the local traditional practitioners, on the other hand, said they customarily removed tissue, but the extent of this removal remained unclear. Likewise, it was unclear whether the removed tissue was from the clitoris, labia minora, or elsewhere. Some NGO activists dismissed any claims of mutilation, saying the ritual as practiced in the country was largely symbolic, and involved softly touching a young girl with a metal blade, or at worst, nicking her.

During the year there were reports that in some areas of the country, parents encouraged their daughters to work as prostitutes in large urban areas. Trafficking in women and young girls was a serious problem (see Section 6.f.).

Sexual harassment was not a crime, but "indecent behavior" was illegal. The law reportedly only covers physical abuse and requires two witnesses.

The Guidelines of State Policy, legal statutes adopted by the MPR, explicitly state that women have the same rights,

obligations, and opportunities as men. However, the guidelines also state that women's participation in the development process must not conflict with their role in improving family welfare and the education of the younger generation. Marriage law designates the man as the head of the family.

Divorce was a legal option open to both men and women. Muslims who sought a divorce generally had to turn to the Islam-based family court system. Non-Muslims obtained divorce through the national court system. Women often faced a heavier evidentiary burden than men, especially in the family court system. Many divorcees received no alimony, as there was no system to enforce alimony payments. The Citizenship Law states that a child's citizenship is derived solely from the father. Children of citizen mothers and foreign fathers were considered foreigners, and required visas to remain in the country until 18, at which age they could apply for citizenship. These children were prohibited from attending public schools, and many were forced to attend private international schools. In cases in which a citizen mother lived abroad with her foreign husband, a break-up sometimes caused severe child custody problems. The children of foreign women married to Indonesian men also faced difficulties. A foreign woman married to a citizen could obtain Indonesian citizenship after 1 year, if she desired.

In Papua, as part of the province's Special Autonomy status, 30 percent of seats in the proposed Papuan People's Council were slated for women. The Council, however, had not been formed yet, and Papua's provincial legislature did not pass implementing regulations in support of the Special Autonomy Program by year's end.

In Aceh there was no compelling evidence to suggest that women's rights were undermined when the province gained authority to implement Shari'a during the year. However, in January police in Banda Aceh stopped a number of women who were riding on motorbikes and not wearing headscarves. If the woman was a Muslim, the police gave her a headscarf, but did not force her to wear it. This practice did not last long. Women's rights activists reportedly succeeded in halting a plan to create a scarf compulsory zone elsewhere in Banda Aceh.

Women suffered disproportionately from poor health and illiteracy. According to UNICEF, the illiteracy rate among women was 18 percent, compared to 8 percent among men.

A number of regulations that discriminate against women remained in place during the year. At a May 22 forum in Jakarta on the role of the military, an activist criticized the TNI's longstanding practice of requiring female applicants to the military academy to prove they were virgins; males were not asked to meet this requirement.

Although some women had a high degree of economic and social freedom, most remained at the lower end of the socioeconomic scale. The Government stated that 38 percent of civil servants were women, but that only 14 percent of these women held positions of authority. Despite laws that provide women with 3 months of maternity leave, employers sometimes replaced pregnant women while they were on leave from their jobs.

In manufacturing, employers traditionally steered female workers toward lower-paying, lower-level jobs. Many female factory workers were hired as day laborers instead of as full-time permanent employees, and companies were not required to provide benefits, such as maternity leave, to day laborers. According to the government's Central Statistics Bureau, in May 2002, the unemployment rate for men was higher than that for women. If a husband and wife both work for a government agency, the couple's head-of-household allowance is given to the husband. There were reports that female university graduates received an average salary that was 25 percent less than their male counterparts.

The Indonesian Women's Association for Justice facilitated public awareness programs in Jakarta to educate young women regarding the dangers of trafficking. The NGO Mitra Perempuan operated a hotline to record abuse cases and help abused women. There were many other NGOs that addressed women's issues, including Yayasan Humi Inana and the International Catholic Migration Commission (ICMC).

Children

The Government stated its commitment to children's rights, education, and welfare, but devoted insufficient resources to fulfill that commitment. Poverty put education out of the reach for many children. Child labor and sexual abuse were serious problems during the year (see Sections 6.d. and 6.f.). Among girls aged 7 to 12, 7 percent, or 923,000, did not attend school. Although girls and boys ostensibly received equal educational opportunities, boys were more likely to finish school. Hairiah, a noted rights activist in West Kalimantan, said many parents could not afford to educate all of their children, and concentrated their resources on their sons.

The Government estimated the number of prostitutes under the age of 18 at 49,500, but the actual number may have been much higher. At the country's biggest red light district, in Surabaya, 40 percent of the prostitutes were under the age of 18. Malnutrition was a growing problem, and more than 70,000 children lived on the streets (see Sections 6.d. and 6.f.).

The Government made some progress in protecting children during the year. On August 13, the President approved a National Action Plan on the Elimination of the Worst Forms of Child Labor. The plan consisted of 5-, 10- and 20-year goals that included raising awareness, policy development, and intervention to eliminate the worst forms of child labor (see Section 6.d.). On September 23, the DPR passed the National Child Protection Act, which addresses economic and sexual exploitation, including

child prostitution, trafficking in children, and the involvement of children in the narcotics trade. The legislation also covers adoption, guardianship, and custody, and requires parents who wish to adopt to practice the same religion as the child. The Ministry of Women's Empowerment, responsible for children's issues, opened up the bill to NGO input. On August 16, President Megawati announced the upcoming education budget, which was \$1.46 billion (13.6 trillion rupiah), or less than 4 percent of total Government spending. Education experts welcomed the 15 percent increase over the previous year's allocation; however, legislators and officials of the Ministry of National Education stated they would seek a significant additional increase. In August the MPR amended the Constitution to stipulate that a minimum of 20 percent of total state and regional budgets would be allocated to education.

By law children are required to attend 6 years of elementary school and 3 years of junior high school. In practice, however, the Government did not enforce these requirements. According to UNICEF, 96 percent of children aged 7 to 12 were enrolled in school; among children aged 13 to 15, 79 percent were enrolled in school; and among children aged 16 to 18, 49 percent were enrolled in school.

The monthly fees for public schools varied from province to province, and were based on average incomes. During the year, some parents found it more difficult to afford the \$1.20 (10,650 rupiah) to \$5.00 (44,374 rupiah) monthly fee that most public elementary schools charged. It was unclear how many children were forced to leave school during the year to help support their families. Conflicts disrupted the education of many children during the year.

In Maluku and North Maluku, interreligious violence displaced 452,000 persons, many of them children. Some children attended classes in makeshift classrooms at IDP camps. In August in the Maluku capital of Ambon, UNICEF introduced its "school in a box" system to help compensate for the destruction of 118 schools. Muslim-controlled areas reported a severe shortage of teachers, as a majority of teachers in the Moluccas were Christian, and many of them fled to Christian controlled areas when the violence escalated. In Central Sulawesi, bombings near schools disrupted education and displaced many of the children. The provincial capital of Palu suffered a number of such bombings, including two on September 19, which injured three persons. Clashes among student groups also drew increased scrutiny during the year.

The country's infant mortality rate remained high. According to the Indonesian Child Welfare Foundation, there were 38 deaths for every 1,000 newborns during year. Some NGOs attributed the problem to poor service at public health centers. The World Health Organization stated that prenatal care in the country was poor.

Malnutrition remained a serious problem, particularly among younger children. In 2001 UNICEF stated that 31 percent of the country's children under the age of five were moderately or severely underweight. This figure represented an increase from 26 percent recorded in 1999.

On July 29, Aris Merdeka Sirait, the Head of the National Committee for Child Protection (KOMNAS PA), called attention to the plight of child domestic workers. He estimated the child servant population at 1.8 million, based on 2000 data, and said such children faced sexual harassment and physical abuse by employers, due mainly to the absence of any legal protection (see Section 6.d.).

In December a study by Family Health International (FHI) estimated the number of street children nationwide at 70,872. This was based on data provided by the Government and a network of NGOs that cooperate with Save the Children. Other sources provided higher estimates. East Java, Jakarta, West Java, North Sumatra, and South Sulawesi Provinces have the largest street children populations (see Section 6.f.).

Child abuse is not prohibited specifically by law; however, there were no reliable sources on violence within families. Governmental efforts to combat child abuse have been slow and ineffective due to cultural sensitivities and a lack of monitoring mechanisms and verification.

Accusations of trafficking surrounded some East Timorese children who were in West Timor waiting to be reunited with their families. The UNHCR stated that as of early October, approximately 540 East Timorese children were still in West Timor. Many of the trafficking accusations focused on the Java-based Hati Foundation run by Octavio Soares, nephew of the last Governor of Indonesian East Timor. On July 4, Jesuit Relief Services (JRS) Indonesia reportedly complained to authorities that the Hati Foundation was obstructing its attempts to reunite East Timorese children with their families, which the Hati Foundation denied. HRW reported that requests for reunification of the children by the parents, UNHCR, and the IRC were met with hostile resistance by Soares. Other accusations centered on the Lemorai Foundation run by Hasan Basri (see Sections 2.d and 6.f.).

Child prostitution was pervasive during the year. NGO estimates of the number of child sex workers in the country ranged from 40,000 to 300,000. Although some teenage girls entered the sex trade knowingly, many were forced or tricked into the practice. At times law enforcement officials treated child sex workers as perpetrators of crime, rather than victims. The NGOs stated that fewer than 10 percent of child prostitutes were rehabilitated successfully. Women's rights activists and religious groups accused government officials, including police and soldiers, of operating or protecting brothels that employed underage prostitutes. During the year, there were reports that corrupt civil servants issued identity cards to underage girls, facilitating entry into the sex trade (see Section 6.f.).

Sexual exploitation of boys was a major problem in Bali, according to NGOs active there. On July 24, in the city of Denpasar, 37

local NGOs discussed the problem and urged the Government to deport foreign pedophiles. Activists also described the island of Batam as a center for child sexual abuse. On July 17, the Minister of Women's Empowerment identified Medan and other parts of Sumatra as trouble spots for child sexual abuse (see Section 6.f.).

Trafficking of children was a problem (see Section 6.f.).

There was no separate criminal justice system for juveniles. Ordinary courts handled juvenile crime, and juveniles often were imprisoned with adult offenders. The KOMNAS PA stated that more courts were starting to involve social workers in children's trials to safeguard children's rights. At year's end, the Government still had not implemented a Juvenile Justice Law, which was approved in 1997 to establish a special court system and criminal code to handle juvenile cases.

A number of NGOs promoted children's rights. The National Commission for the Protection of Children's Rights (KOMNAS ANAK) campaigned for legislation to protect children. Save The Children worked with street children, while the Institute for Advocacy of Children (Lembaga Advokasi Anak Indonesia) struggled to end child exploitation on fishing platforms.

Persons with Disabilities

The law mandates access to buildings for persons with disabilities; however, the Government generally did not enforce these provisions. The Disability Law requires companies that employ over 100 workers to set aside 1 percent of their positions for persons with disabilities. However, the Government did not enforce the law or pressure any company to comply, and persons with disabilities faced considerable discrimination. The law also mandates accessibility to public facilities for persons with disabilities; however, extremely few buildings and virtually no public transportation facilities provided such accessibility. Recent statistics on the disabled population were not available. In 1999 the U.N. estimated that 5.43 percent of the population (about 10 million persons) was disabled, while the Government put the number at 3 percent (6 million persons). The Government groups persons with disabilities into four categories: the blind, deaf, mentally disabled, and physically disabled. The Constitution requires the Government to provide them with care; however, "care" was not defined, and the provision of education to disabled children was never inferred from the requirement.

On May 20, hundreds of supporters of an advocacy group, the Forum of Struggle for the Disabled (Forpadi), rallied in the West Java city of Bandung; they accused government institutions and state universities of failing to provide facilities for the disabled. In October a workshop in Jakarta focused on political empowerment of the disabled. Members of the Indonesian Blind People's Association (Pertuni) and the Indonesian Disabled Association (PPCI), among others, called for revisions to the election bill to protect the rights of the disabled. Some called on the Government to provide ballot papers in braille. Facilities such as wheelchair ramps existed mainly in the larger cities, including Jakarta and Yogyakarta. On July 1, eight blind applicants to the University of Indonesia took the entrance examination in Jakarta; it was unclear whether any had been accepted at year's end. However, the Indonesian Union of the Blind (PERTUNI) stated there were a number of blind students studying during the year at public universities, including Jakarta State University.

The law theoretically provides children with disabilities the right to an education and rehabilitative treatment. However, many young persons with disabilities encountered difficulties in receiving an education and rehabilitative treatment; some resorted to begging for a living. According to a UNICEF report in 2000, there were approximately 2 million children with disabilities between 10 and 14 years of age.

NGOs were the primary providers of education for disabled children. There were 1,084 schools for persons with disabilities; 680 were private and 404 were government operated. Of the government schools, 165 were "integrated," serving both regular and special education students. The Government also ran three national schools for those with visual, hearing, and mental disabilities.

Indigenous People

The Government views all citizens as "indigenous," with the notable exception of ethnic Chinese; however, it recognizes the existence of several "isolated communities" and their right to participate fully in political and social life. The Government estimated the number of persons in isolated communities at 1.5 million. This included such groups as the Dayaks of Kalimantan, families living as sea nomads near Riau Province and South Sulawesi Province, and indigenous groups in Papua, where the Government in July revised the official count of tribes from 250 to 312.

Previous improvements in the legal framework, such as the government's acknowledgement of traditional land rights, did not translate into significant improvements for indigenous people, who remained subject to widespread discrimination during the year. Representatives of indigenous communities complained that religious courts continued to deny the legal status of indigenous belief systems. NGOs stated that mining and logging activities frequently violated the rights of indigenous people, and that many violations resulted from the Government denying indigenous people their ownership of ancestral land, as well as the erosion of their traditional social structure.

Exploitation of rainforest resources contributed to the erosion of traditional land rights, particularly in Papua and Kalimantan. The Government failed to stop domestic and multinational companies from encroaching on indigenous people's land, often in collusion with the local military and police. On May 16, the Head of Papua's Social Welfare Office said excessive logging was

pushing at least 51 isolated tribes living in eastern parts of the province to near extinction. Logging companies drove the tribes to mountainous areas around the Mamberamo River. On April 22, in Central Sulawesi, more than 100 indigenous people protested plans by a subsidiary of a multinational mining company to open a gold mine on land traditionally inhabited by the Poboya people, in the Kambuno mountains. In July the Government accused copper and gold mine operator PT Freeport of polluting two Papuan rivers that served as a water source for thousands of indigenous people near the towns of Tembagapura and Timika.

In Southeast Sulawesi, the Moronene people continued their decades-old struggle to secure government recognition of their claim to ancestral land in what is now the Rawa Aopa Watumohai National Park. On May 1, the Brimob raided the villages of Hukaea and Laea, detained 11 residents, and relocated 147 others. The Moronene, however, soon returned to their villages. Plans to permanently relocate them were hindered by the fact that the land set aside for them already was occupied by other civilians.

In Papua tension continued between indigenous Papuans and migrants from other provinces. Some in the indigenous community accused the newcomers of price gouging and condescension, while some newcomers said indigenous Papuans treated them with resentment and suspicion. During the year, many indigenous Papuans expressed alarm over the influx of migrants who were displaced by violence in the Moluccas and Central Sulawesi. Some indigenous people also expressed concern about the increasing presence of LJ, the Java based Islamic extremist group, fearing that its members would team up with nationalist militiamen to fight proindependence Papuans under the banner of protecting Muslims and the country's unity.

On January 1, the Papua Special Autonomy Law took effect, formally giving the province the right of self-governance, except in the fields of foreign affairs, defense, some monetary matters and judicial appeals. Under the law, only indigenous Papuans can be elected as Governor and Vice Governor, or as members of the planned Papua People's Assembly or the existing regional legislature, the Papuan Provincial Legislative Council (DPRD). Although the central government considered the law generous, many Papuans were skeptical of any arrangement that kept their homeland a part of the country. Many Papuans continued to complain they were treated as second-class citizens in their own land and that they were forced to follow a foreign culture. By year's end, the DPRD had not passed most of the law's implementing regulations, and the effect of special autonomy was unclear.

Human rights activists stated that the government-sponsored transmigration program violated the rights of indigenous people, bred social resentment, and encouraged the exploitation of natural resources on which many indigenous persons relied. Some human rights activists said the Government used transmigration as a political tool to increase the number of nonindigenous persons in certain areas, in part to preclude secessionist movements. In some areas, such as parts of Sulawesi, the Moluccas, Kalimantan, Aceh, and Papua, relations between transmigrants and indigenous people were hostile. In December in Papua, an OPM unit attacked a migrant settlement and raised the separatist flag until TNI reinforcements arrived. Indigenous groups in various parts of the country said they received less government support than transmigrants, and transmigrants claimed that in some cases they were moved to areas with undesirable land, or where the land's ownership was in dispute.

Tensions continued in West and Central Kalimantan between indigenous Dayaks and Madurese migrants over land issues, economic opportunity, and cultural differences (see Section 1.a.). The Madurese community in Kalimantan developed around an earlier group of government-sponsored transmigrants, although the majority of Madurese in the area migrated spontaneously. In West Kalimantan, an estimated 30,000 Madurese were unable to return home during the year. On May 26, the decapitation of a 65-year-old Madurese man prompted the exodus of dozens of ethnic Madurese families from the Kapuas district of Central Kalimantan. It was unclear who was responsible for the killing. The People's Congress of Central Kalimantan advised the Madurese who had fled to wait between 5 and 25 years before returning.

Members of the Betawi ethnic group, which is indigenous to Jakarta, clashed on several occasions with ethnic Madurese during the year. In one such clash on July 15, fighting in the city's Cakung district left three persons with stab wounds and a number of homes destroyed.

National/Racial/Ethnic Minorities

The Government officially promotes racial and ethnic tolerance.

Ethnic Chinese accounted for approximately 3 percent of the population, by far the largest nonindigenous minority group, and played a major role in the economy. During the year, there were instances of discrimination and harassment. In July in the East Java regency of Garut, an ethnic Chinese businessman reportedly borrowed money from a number of persons, including police and soldiers, but when he was unable to repay his debts, regency officials summoned representatives of the Chinese community and informed them that the community would have to cover the debts. Central government officials later demanded an explanation from the regency officials, and a Chinese community organization, Paguyuban Marga Tionghoa, lodged a complaint.

To obtain a passport, business license, or credit card, or to enroll a child in school, a Chinese-Indonesian must first show a Republic of Indonesia Citizenship Certificate (SBKRI), a document not required of non-Chinese-Indonesians. This requirement provided an extortion opportunity for the many bureaucratic institutions involved in the issuance process. In May a controversy surfaced after a Chinese-Indonesian badminton champion was unable

to obtain an SBKRI, which he needed to travel to China to compete. Only the President's personal intervention enabled him to obtain the SBKRI and to participate in the competition.

The Indonesia Anti-Discrimination Movement (GANDI) and other advocacy groups urged the Government to repeal dozens of laws that discriminate against Chinese-Indonesians, including one which prevents mixed-religion marriages.

Chinese language books and music were freely available, and Chinese songs often were heard on radio and TV (see Section 2.a.).

During the year, some Chinese-Indonesians complained that the Government had not done enough to investigate the 1998 violence against Chinese-Indonesians and their businesses.

Indigenous Papuans complained that they were underrepresented in the civil service of that province and that government officials discriminated against them. Others expressed fear that the Brimob forces aimed to eradicate indigenous Papuans; however, there were no reports during the year of politically motivated killings.

In Kalimantan, indigenous Dayaks faced discrimination in obtaining civil service jobs and generally were worse off economically than transmigrants. Ethnic Madurese transmigrants, who had clashed frequently with Dayaks in the province, complained that they were driven off of their land and that the Government seemed uninterested in their plight.

Section 6 Worker Rights

a. The Right of Association

The Labor Union Act provides broad rights of association for workers. The law stipulates that 10 or more workers have the right to form a union. Union membership must be open to all workers, regardless of political affiliation, religion, ethnicity, or gender. Private sector workers are by law free to form worker organizations without prior authorization, and unions may draw up their own constitutions and rules and elect representatives. The Government records, rather than approves, the formation of the union and provides it with a registration number. In addition, the law provides that union dues must finance union activities, but does not indicate how dues should be collected or whether management has a role in collecting dues.

Employers criticized the provision which permits 10 workers to form a union, claiming that it encouraged the creation of too many unions, which complicated collective bargaining and increased the possibility of strikes. A regulation requires that police be notified of all meetings of five or more persons of all organizations outside offices or normal work sites. The regulation applies to union meetings. The police periodically showed up uninvited at labor seminars and union meetings, which often had an intimidating effect.

Under the law and registration regulations, more than 60 union federations notified the Ministry of Manpower and Transmigration of their existence. In addition, thousands of workplace-level units registered with the Ministry, although some unions complained of difficulty in registering.

During the year, the Government presented two important labor bills to the DPR: the Manpower Development and Protection Act and the Labor Disputes Act. Unions and employers criticized aspects of each bill. Some provisions did not appear to be in accordance with international labor standards, including bureaucratic conditions for legal strike actions and requirements for employers to pay workers who strike legally. In September the DPR delayed consideration of the bills. Meanwhile, the chamber repealed the Suharto-era Labor Act of 1997. The failure to pass new labor legislation to replace outdated and inadequate laws left the industrial relations environment in a state of uncertainty.

Although government regulations prohibited employers from discriminating against or harassing employees because of union membership, there were credible reports of employer retribution against union organizers, including dismissals, that was not prevented effectively or remedied in practice. Some employers warned employees against contact with union organizers. Some unions claimed that strike leaders were singled out for layoffs when companies downsized.

In 2000 the Indonesian Prosperity Trade Union (SBSI) documented 135 cases in which companies violated workers' right to organize by intimidating, punishing, or firing SBSI members because of their affiliation with the union or because they attempted to organize SBSI units within their factories.

In May the management of wood products company PT Taiwi Sidangali in Ternate, North Maluku, fired union leaders and reportedly organized local officials to threaten workers and their families to stop attempts to establish a union branch. Uniformed army members reportedly beat the union officials when the latter attempted to speak with the employer about the intimidation, according to the Solidarity Center and the union. Police then jailed the union organizers. In September the International Federation of Building and Wood Workers (IFBWW) launched an international appeal for Muhammed Opu, who was convicted in August for antisocial acts by the Tarakan District Court and sentenced to 6 months in prison. By the end of the year, several other union members also awaited trial for the same alleged antisocial acts.

The Confederation of All Indonesian Trade Unions (KSPSI), formed by the government-directed merger of labor organizations in 1973, is the oldest trade union organization and remained the largest confederation. The leader of KSPSI concurrently served as Manpower Minister. Some employers and some unions questioned whether the dual role created a conflict of interest, for example, in the drafting of the new labor laws.

The law allows the Government to petition the courts to dissolve a union if its basis conflicts with the state ideology of Pancasila or the Constitution, or if a union's leaders or members, in the name of the union, commit crimes against the security of the State and are sentenced to at least 5 years in prison. Once a union is dissolved, its leaders and members may not form another union for at least 3 years.

The law does not address the adjudication of jurisdictional disputes among multiple unions in a workplace, and existing laws and regulations do not provide clear guidance on how jurisdictional disputes should be handled. Such ambiguity occasionally led to clashes between unions.

The law recognizes civil servants' freedom of association and right to organize. Employees of several ministries announced that they would form their own employee associations, and union organizations began to seek members. Unions also sought to organize state-owned enterprise (SOE) employees, although they encountered some resistance from enterprise management, and the legal basis for registering unions in SOE's remained unclear. The Government no longer required teachers to belong to the Teachers' Association (PGRI), which previously served as a mechanism for government control over teachers, and some teachers carried out demonstrations and strikes. Teachers may join other unions or form their own union.

During the year, there were several cases in which workers damaged property and were not arrested. On September 24, several thousand labor demonstrators protested draft labor legislation and destroyed the gates to the DPR. In addition, there were disputes, which sometimes became violent, among different unions represented in the same company. Groups claiming to represent labor also at times resorted to violence. For example, in September thousands of teachers in Bandar Lampung, who tried to enter the office of the mayor, clashed with security forces.

The law stipulates that unions may affiliate and cooperate with international trade unions and organizations. The KSPSI maintained international contacts and was an affiliate of the Association of Southeast Asian Nations Trade Union Council. SBSI was affiliated with the World Confederation of Labor and some international trade union secretariats. Other unions maintained contacts and affiliations with international labor federations.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining and the Manpower Ministry promoted it within the context of Pancasila. The law allows for workers' organizations that register with the Government to conclude legally binding agreements with employers and exercise other trade union functions. In companies without unions, the Government discouraged workers from utilizing non-Government outside assistance, such as during consultations with employers over company regulations. Instead, the Manpower Ministry preferred that workers seek its assistance and stated that its role was to protect workers. However, there were credible reports that for many companies, consultations were perfunctory at best and usually only occurred with management-selected workers. There also were credible reports to the contrary from foreign companies. According to government statistics, approximately 80 percent of the factory-level KSPSI units had collective bargaining agreements. The degree to which these agreements were negotiated freely between unions and management, without government interference, varied. By regulation, negotiations must be concluded within 30 days or be submitted to the Manpower Ministry for mediation and conciliation or arbitration. Most negotiations were concluded within the 30-day period. According to regulations, agreements are for 2 years and can be extended for 1 year.

According to NGOs involved in labor issues, the provision of collective bargaining agreements in practice rarely went beyond the legal minimum standards established by the Government, and the agreements often were presented to worker representatives for signature rather than negotiation.

All organized workers except civil servants have the legal right to strike. State enterprise employees rarely exercised this right, but private sector strikes were common. Before a strike can legally occur in the private sector, the law requires intensive mediation by the Manpower Ministry and prior notice of the intent to strike, but no approval is required. In practice, workers and employers rarely followed dispute settlement procedures. Workers rarely gave formal notice of the intent to strike because Manpower Ministry procedures were slow and had little credibility among workers. Sudden strikes usually resulted from longstanding grievances, attempts by employers to prevent the formation of union branches, or denial of legally mandated benefits or rights.

Strikes frequently occurred during the year across a wide range of industries. From January to October, the Manpower Ministry recorded 194 strikes involving 84,555 workers. In addition, there was an increase in worker demonstrations and strikes regarding severance pay, particularly in Jakarta, West Java and East Java, related to an increase in company closures during the year.

In July in Jakarta, teachers from Al Alzar, an elite private school, went on strike to demand higher pay. The school subsequently fired 53 striking teachers. The two sides finally decided to take the matter to court. On October 18, in the city of

Tangerang, Banten Province, hundreds of workers at a Korean-owned factory detained the manager and his family for 5 days to demand that the company pay legally required severance packages. The workers released the family when the Korean manager agreed to their demands. According to a November 2001 ILO report, management at the Shangri-La Hotel violated worker rights when it dismissed 580 members of the Independent Worker's Union (SPMS) for striking in December 2000. The ILO report criticized the government's overnight detention of 20 SPMS members for occupying the hotel lobby during the strike, and characterized the detention as "an obstacle to the exercise of trade union rights." The ILO called on the Government to require the hotel to rehire the fired workers. In March the Jakarta Administrative Court reversed the decision of the local labor dispute resolution committee and ruled that the Jakarta Shangri-La Hotel must rehire 79 workers who did not sign severance agreements. Approximately 500 other workers reportedly signed severance agreements only after they were pressured by the hotel. The hotel stated it would appeal the decision. On December 19, the Supreme Court ruled in favor of the hotel's appeal, invalidating the order to rehire the workers. In January according to the AFL-CIO's Solidarity Center, authorities in the Central Java City of Semarang imprisoned six activists from the National Front for Indonesian Workers' Struggle (FNPBI) on criminal charges of "unpleasant acts" after they led a strike for workers' legal rights in October 2001 at PT Wira Petro Plastindo. According to the Solidarity Center, the activists remained in jail for 6 months before they were released.

Labor activists alleged that factory managers in several locations employed Pancasila Youth, a group with reported links to Brimob, to intimidate and assault trade union members. In January, according to the FNPBI, Pancasila Youth members intimidated workers and beat an FNPBI activist at a latex factory in Sunggal, North Sumatra. According to FNPBI, no one was held accountable for the beating by year's end.

In September a protest in Bandung against pending labor legislation resulted in the arrest of 32 labor activists and demonstrators. According to NGOs, authorities released 27 of the demonstrators after charging them with misdemeanors. Authorities also released the remaining five, but charged them with more serious offenses. Their trials were ongoing at year's end. In May the Mojokerto District Court in East Java sentenced three labor activists to 1 year in jail for antisocial acts, following their efforts to organize a strike for meal and transportation allowances. The Manpower Minister publicly criticized the court's decision. On January 14, in Tangerang, the District Court convicted and released the Deputy Chief of the Karya Utama labor union, Hamdani bin Ijin from prison after sentencing him to time served for stealing a pair of reject sandals produced by the factory at which he formerly worked. Many other workers also wore the reject sandals, a common practice at the factory, but they were not arrested. Many viewed the conviction as politically motivated, constituting an attempt to punish Hamdani for his labor activism. Also in January, a Jakarta district court found labor activists Sofyan Bedot and Surjito innocent of charges of "antisocial behavior." According to the Solidarity Center, the two men argued with managers from footwear company PT Dwi Naga Sakti Abadi for an increase in the workers' daily meal allowance. After the demands were made, the company reportedly fired 35 union members, citing efficiency measures.

Regional and national labor dispute resolution committees adjudicated charges of antiunion discrimination, and their decisions could be appealed to the State Administrative Court. However, due to a history of adverse decisions for labor and the long time necessary to process disputes, sometimes requiring years, many unions believed that these committees were not realistic alternatives for settling disputes. As a result, workers frequently presented their grievances directly to KOMNASHAM, the DPR, or NGOs. Administrative decisions in favor of dismissed workers usually took the form of monetary awards, but rarely reinstated workers. The law required that employers obtain the approval of the labor dispute resolution committee before firing workers, but employers often ignored the law in practice.

Since 1996 unions affiliated with the KSPSI had been able to collect union dues directly through payroll deductions (the "checkoff" system), rather than having the Manpower Ministry collect dues and transfer them to the KSPSI. Implementation of this system remained uneven. Unions other than the KSPSI alleged difficulties in having companies set up a check-off system for their members.

The police and military continued to be involved in labor matters, although a shift away from open intervention and demonstrations of force by uniformed troops to less visible measures continued.

There were seven export processing zones (EPZs) in the country. Batam Island, near Singapore, was the largest. Labor law applies in EPZs, although nongovernmental observers believed there was an antiunion tradition in EPZs, and that practical enforcement of labor laws was weaker in these zones. The Indonesian Metalworkers' Union (SPMI) reported to the Solidarity Center that electronics manufacturers in Batam frequently fired workers or encouraged resignations of workers who attempted to form unions. The Solidarity Center also reported that garment companies in Jakarta's two EPZs employed thugs to intimidate and assault union organizers. According to information from the ILO, in recent years unions had more success in organizing plants and negotiating with companies in the Batam EPZ.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced labor, and the Government generally enforced this prohibition. The law and regulations forbid bonded labor by children. The Government, however, was not effective in eliminating forced child labor, which remained a serious problem. A significant number of children worked against their will in prostitution, pornography, begging, drug trafficking, domestic servitude, and other exploitative situations, including fishing platforms. NGO estimates of the number of child prostitutes ranged from 40,000 to 300,000, reflecting the difficulty of determining precise statistics. An ILO study indicated that in cases of child prostitution in West Java, parents and other family members commonly were complicit in forcing children to perform this type of work.

The ILO estimated that along the North Sumatra coast approximately 500 children worked on wooden fishing platforms under inhumane conditions. This represented a decrease from previous years. Children working on platforms remained in near-isolation for up to 4 months, without access to sanitary facilities or schooling. The platform workers typically worked 12 to 14 hours per day and carried out hazardous duties which were made even more dangerous by the fact that most children on the platforms could not swim and risked falling into the sea on a daily basis as well as being injured by net-lifting equipment. In 1999 the Government stopped issuing permits to build new platforms. The ILO and NGOs, in coordination with the Government, took steps that helped reduce this problem.

Migrant workers made up a substantial portion of the workforce and received limited protection from the Government. According to press reports and research by the Solidarity Center, recruiters frequently held migrant workers in holding centers (PJTKI) for months at a time before sending them abroad. During their stay at holding centers, migrant workers normally did not receive pay and recruiters often did not allow them to leave the centers. In some instances, workers were forced to pay recruiters for the cost of their forced stay, owing large debts to the recruiters.

During the year, the Manpower Ministry revoked the licenses of 40 labor export companies for abuse of migrant workers and other violations. In December police and Manpower officials freed women who had been held forcibly in a migrant worker center near Jakarta (see Section 6.f).

A Home Affairs Ministry decree requires that migrant workers sign an agreement not to disclose difficulties encountered abroad, and, in practice, the Government restricted the ability of migrant workers to speak about abuses they faced overseas.

Forced labor and debt bondage was an issue in the informal sector. Private employers, within the country and abroad, at times forced household help to work without pay, for extremely low wages, or in situations of debt bondage. NGOs and the press reported cases of employers locking domestic workers within homes and physically and sexually abusing them.

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits children from working in hazardous sectors including mining, skin diving, construction, prostitution, and offshore fishing platforms, but the Government did not enforce these laws effectively. Child labor was a serious problem in the country. Government regulations and practice acknowledged that some children must work for socioeconomic reasons. The law prohibits children under 15 from working more than 4 hours per day. Nevertheless, an estimated 6 to 8 million children exceeded this daily limit, by working in street vending, mining, construction, and prostitution. There was little government enforcement of the legal requirement that job seekers between the ages of 13 to 15 years first obtain the consent of the Government and a labor association before they begin to work.

During the year, the Government made efforts to strengthen the legal basis for the protection of children from the worst forms of child labor. On September 23, the National Assembly passed the National Child Protection Act. The law specifically addresses economic and sexual exploitation, including child prostitution, child trafficking, and the involvement of children in the narcotics trade. The law provides criminal penalties and jail terms for persons who violate children's rights (see Section 5).

The National Action Committee to Eliminate the Worst Forms of Child Labor drafted a National Action Plan, approved by presidential decree in August. The Action Plan establishes a target to eradicate the worst forms of child labor over a 20-year period, and specifies activities for government support. In addition, the government approved National Action Plans on trafficking of women and children, and on the commercial sexual exploitation of children. On December 23, President Megawati signed the plans. Enforcement of child labor laws remained ineffective during the year.

Despite legislative and regulatory measures, most children who worked, including domestic work, did so in unregulated environments. The ILO sponsored training of labor inspectors on child labor matters under the International Program on the Elimination of Child Labor (IPEC). According to the ILO, labor inspectors in Bandung, West Java, identified and removed some child workers from hazardous conditions in a shoe manufacturing shop during the year.

There were limited social programs to prevent exploitative child labor, conducted with international assistance.

The country's laws and regulations adhere and make reference to the standards set out in ILO Convention 102 on child labor.

More children worked in the informal, rather than the formal, sector. Some children worked in large factories, but their numbers were unknown, largely because documents verifying age could be falsified easily. Some employers hired children because they were easier than adults to manage, and less likely to organize or make demands on employers. Children working in factories usually worked the same number of hours as adults. Children also worked in the rattan and wood furniture industries, the garment industry, the footwear industry, food processing, toy-making, and in small mining operations.

Many girls aged between 14 and 16 worked as live-in domestic servants. On July 29, the head of the National Committee for Child Protection said that in 2000 an estimated 1.8 million children worked as servants, up from 1.5 million in 1999. Many child servants were not allowed to study and were forced to work long hours, received low pay, and generally were unaware of their rights.

Forced or bonded labor by children occurred in some instances. A declining number of children worked for months at a time on isolated fishing platforms in North Sumatra (see Section 6.c.).

e. Acceptable Conditions of Work

According to regulations, provincial and district authorities, not the Government, establish minimum wage levels, which vary by province, district, and sector. Provincial authorities determined provincial minimum wage levels based on proposals by tripartite (workers, employers, and government) provincial wage commissions. Local districts set district minimum wages using the provincial minimum wage levels as references. Minimum wages rose significantly in recent years, and on average increased 28 percent from 2001 to 2002. Jakarta had the highest minimum monthly wage at \$67 (591,266 rupiah), while East Java had the lowest at \$28 (245,000 rupiah). Despite recent increases, minimum wage levels in all but three provinces remained below the levels required to provide the government-determined minimum living standards for a single person, which also varied by province. On average across all provinces, the minimum wage represented 86 percent of the minimum living need. In practice the minimum wage often acted as a market wage, rather than a starting point for salary negotiations. The setting of minimum wage levels often led to protests from workers and employers. Employers complained that workers' productivity gains did not match increases in minimum wages, reduced the price competitiveness of products, and resulted in job losses.

Government enforcement of minimum-wage regulations, along with other labor regulations, remained inadequate, particularly at smaller companies and in the informal sector. In practice official minimum-wage levels applied only to the formal sector, which accounted for just 35 percent of the workforce.

Labor law and ministerial regulations provide workers with a variety of benefits, such as social security. Persons who work at more modern facilities often received health benefits, meal privileges, and transportation.

According to the Solidarity Center, unions reported numerous incidents in which companies reduced benefits when minimum wage levels increased, in violation of government regulations. For example, in February, 850 garment workers in the West Java city of Tangerang launched a strike against manufacturer PT Hyun Indonesia because of its reported intention to stop providing transportation and meal allowances to workers, following minimum wage increases. The company then suspended the legally required minimum wage increase.

The law establishes 7 or 8 hour workdays, with one 30-minute rest period for every 4 hours of work. The law also requires one day of rest weekly. The daily overtime rate was 1.5 times the normal hourly rate for the first hour and two times the hourly rate for additional overtime. Regulations allowed employers to deviate from the normal work hours upon request to the Manpower Minister, and with the consent of the employee. Workers in industries that produced retail goods for export frequently worked overtime to meet contract quotas. Observance of laws regulating benefits and labor standards varied between sectors and regions. Employer violations of legal requirements were fairly common and often resulted in strikes and employee protests. The Manpower Ministry continued to urge employers to comply with the law. However, in general, government enforcement and supervision of labor standards were weak.

Both law and regulations provide for minimum standards of industrial health and safety. According to the state-sponsored worker insurance agency JAMSOSTEK, the number of work-related accidents increased over the past 3 years, from 82,456 in 1999 to 108,774 in 2001. An official of the National Health and Safety Council, which was tasked with supervising the implementation of health and safety systems in almost 170,000 firms, told the press that they did not "have enough personnel to cover all enterprises," and urged companies to be self-compliant. In most of the country's larger registered companies, the quality of occupational health and safety programs varied greatly. Health and safety standards in smaller companies and in the informal sector tended to be weaker or nonexistent. Some foreign buyers also promoted worker health and safety improvements within the operation of their local suppliers. The limited number of qualified labor inspectors, corruption in the inspection system, and the low level of employee appreciation for health and safety practices severely hampered the enforcement of health and safety standards. During the year, there were numerous allegations of corruption on the part of inspectors. Workers are obligated to report hazardous working conditions. Employers are forbidden by law from retaliating against those who do report, but the law was not enforced effectively. As a result, workers who removed themselves from hazardous working conditions risked losing their job.

f. Trafficking in Persons

The country does not have legislation that exclusively addresses trafficking in persons, and persons were trafficked to, from, and within the country during the year for the purposes of prostitution, forced labor, and debt bondage.

During the year, the Government approved a National Action Plan to counter trafficking of women and children. It includes provisions for traffickers to be punished severely, and identifies specific roles for the Government at both the national and local levels. In September the Government also passed a Child Protection Act, which specifically prohibits economic and sexual exploitation of children. This act specifies criminal penalties and jail terms for persons who violate children's rights, including trafficking in persons. The Government also supported programs at two universities, in East and West Java, to develop specific anti-trafficking legislation. In addition, the Government reinvigorated a public education effort on trafficking, which included placing programming with TV and radio outlets. It also started the process of ratifying remaining U.N. protocols related to trafficking and transnational organized crime. The Government formed a team to draft a new trafficking bill.

Although the Criminal Code lacked a legal definition of trafficking in persons, two organizations, the Solidarity Center and the ICMC, identified articles of law that could be applied in cases of trafficking and related offenses. The Penal Code prohibits trade in women and male minors and provides for sanctions of up to 6 years in prison. The law is silent on girls, and judges rarely sentenced traffickers to more than 3 years in prison. Although related laws that deal with crimes against decency were used against traffickers, arrests were rare, and successful prosecutions were rarer. On June 27, in the Sumatran city of Bandar Lampung, a court convicted a 53-year-old trafficker of kidnaping a 14-year-old girl earlier in the year. The woman had promised the victim a restaurant job but instead sent the girl to a brothel.

The Government did not compile statistics on the number of persons trafficked, and reliable figures were not available. The Indonesian Women's Coalition for Justice and Democracy estimated that as many as 400,000 women and children were trafficked from the country during the year. Another domestic NGO estimated that 20 percent of the country's estimated 5 million migrant laborers were trafficked each year. The majority worked as maids, construction, or plantation workers. Prostitution was widespread and was the driving force behind trafficking in persons. Although the Government generally interpreted "crimes against decency/morality" as applicable to prostitution, the latter is not specifically mentioned in the Penal Code. Official statistics were not available, but NGOs estimated that as of 2001, there were as many as 1.3 million prostitutes in the country. The prevalence of fraudulent national identity cards contributed to the trafficking problem.

The government's 2001 "Working Paper on the Efforts Against Commercial Sexual Exploitation of Children in Indonesia" acknowledged that there have been reports of commercial sexual exploitation of children in two-thirds of the country's 30 provinces. "Back Street" children provided sex and entertainment services in some neighborhoods, urban parks, and cemeteries. More than 70,000 children lived on the streets.

On August 28, in Indramayu, police arrested three suspected child traffickers. The men were holding three girls, aged 14 and 15, who allegedly were being sent to work at a brothel in Riau province. In October in Indramayu, West Java, police apprehended a man and a woman who allegedly were attempting to smuggle seven women to Losari, near the city of Cirebon. The woman reportedly had opened a brothel. During the year, many poor, ethnic Chinese women from Kalimantan married men from Taiwan, sparking accusations of trafficking, but in a majority of cases these claims were unfounded. However, there were credible reports of underage girls, as young as 14 or 15, who obtained fake passports, married Taiwanese men, and moved to Taiwan. There also were unconfirmed reports of some Kalimantan women who were forced into prostitution in Taiwan. Chinese-Indonesian women and teenage girls, between the ages of 14 and 20, from the Singkawang area of West Kalimantan were recruited as mail order brides for grooms in Taiwan, Hong Kong, and Singapore. During the year, there were cases in which parents accepted advances of future salaries from employment brokers in exchange for their daughters. The child was required to repay the employment brokers at a later stage. Researchers described a "culture of prostitution" in some parts of the country, where parents encouraged their daughters to work as big-city prostitutes and send the proceeds home.

NGOs cited credible evidence that between July and September on Nunukan, off East Kalimantan, women migrant workers who had fled Malaysia following a crackdown there against illegal workers became targets of traffickers (see Section 2.d).

Many trafficking victims became vulnerable to trafficking during the process of becoming migrant workers. Although the Government licensed "official" recruiting agents, many unauthorized recruiting agents operated freely throughout the country. These illegal agents often charged exorbitant fees and recruited workers to work illegally overseas (see Section 6.c.).

On December 27, government officials near Jakarta freed 259 women forcibly held at a migrant worker "training center." Many of the female recruits had remained at the company's small site for 6 months and had accumulated thousands of dollars in debt while the company failed to come through with the promised employment. Unable to pay their debts, the women became prisoners within the company's locked and guarded compound.

During the year, there were credible reports that East Timorese children, who were waiting in West Timor to be reunited with their families, were trafficked. Trafficking accusations focused on the Java-based Hati Foundation (see Section 5).

In September 2001, the ILO published a preliminary study of trafficking trends in Jakarta, Batam, Medan, and Bali, that found that many girls were forced into prostitution after the failure of marriages they had entered into when they were as young as 10- to 14-years-old. There was no obvious violation of the law because their paperwork identified them as adults due to the fact they were once married.

In many cases, traffickers recruited girls and women under false pretenses. One tactic was to offer young women in rural areas jobs as waitresses or hotel employees in distant regions, typically at island resorts. After the new recruits arrived, they learned they had been recruited as prostitutes. During the year, it became apparent that some women were trafficked overseas under the guise of cultural performers. In August two Balinese dancers told police that they were hired as dancers to work in Japan, but after their arrival in Tokyo, they were put to work as hostesses. On August 19, Bali's Governor Dewa Made Beratha ordered an investigation. During the year, Indonesian women were trafficked to Malaysia, Singapore, Japan, Saudi Arabia, United Arab Emirates, Australia, and other destinations. On December 29, 98 Indonesian women returned home from Saudi Arabia and 37 returned from Malaysia after reportedly fleeing abusive situations in those countries. The Government organized and financed their return, along with that of over 100 other abused female migrant workers throughout the year.

In July in the city of Tawau, in the Malaysian state of Sabah, the Indonesian Consul, Makdum Tahir, helped to free at least 10 young Indonesian women forced to work as prostitutes at hotels in the city. The women, who allegedly were trafficked,

ranged in age from 16 to 20 years.

Police did not receive specific training with regard to trafficking. The basic 3-month course that all police officers received did not include training on counter-trafficking in persons. Trafficking falls under the purview of the Department of Serious Crimes and Vice. However, coordination within the police force, and between the police and other interested departments on trafficking in persons, was at a rudimentary stage and very weak. NGOs alleged there was, within society and Government, considerable reluctance to acknowledge that prostitution was a major industry. Credible sources said many police and soldiers were involved in trafficking young girls and even setting up and protecting brothels. These sources said that even when police were not involved directly, they received payments from traffickers, brothel owners, and organized crime. There was speculation that non-corrupt police were afraid to intervene because of threats from organized crime. Apart from police and soldiers, government officials allegedly were involved in trafficking, according to these sources. Some were involved in the production of false documents, which facilitated trafficking. A researcher at Atma Jaya University stated that law enforcement officials tended to view child prostitutes as criminals, not victims.

Domestic NGOs led efforts to monitor and prevent trafficking, frequently in coordination with government agencies. These NGOs included Bandungwangi, the Consortium for Indonesian Migrant Workers Advocacy (KOPBUMI), Legal Aid for Women (LBH-Apik), Women's Aid and Protection Group (DERAP), and Women's Coalition (Koalisi Perempuan).